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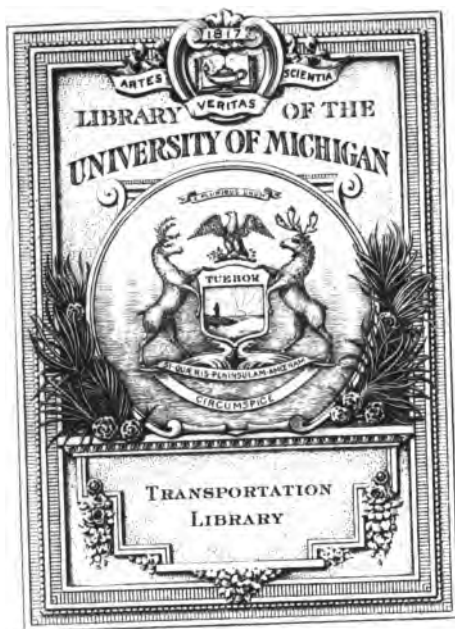
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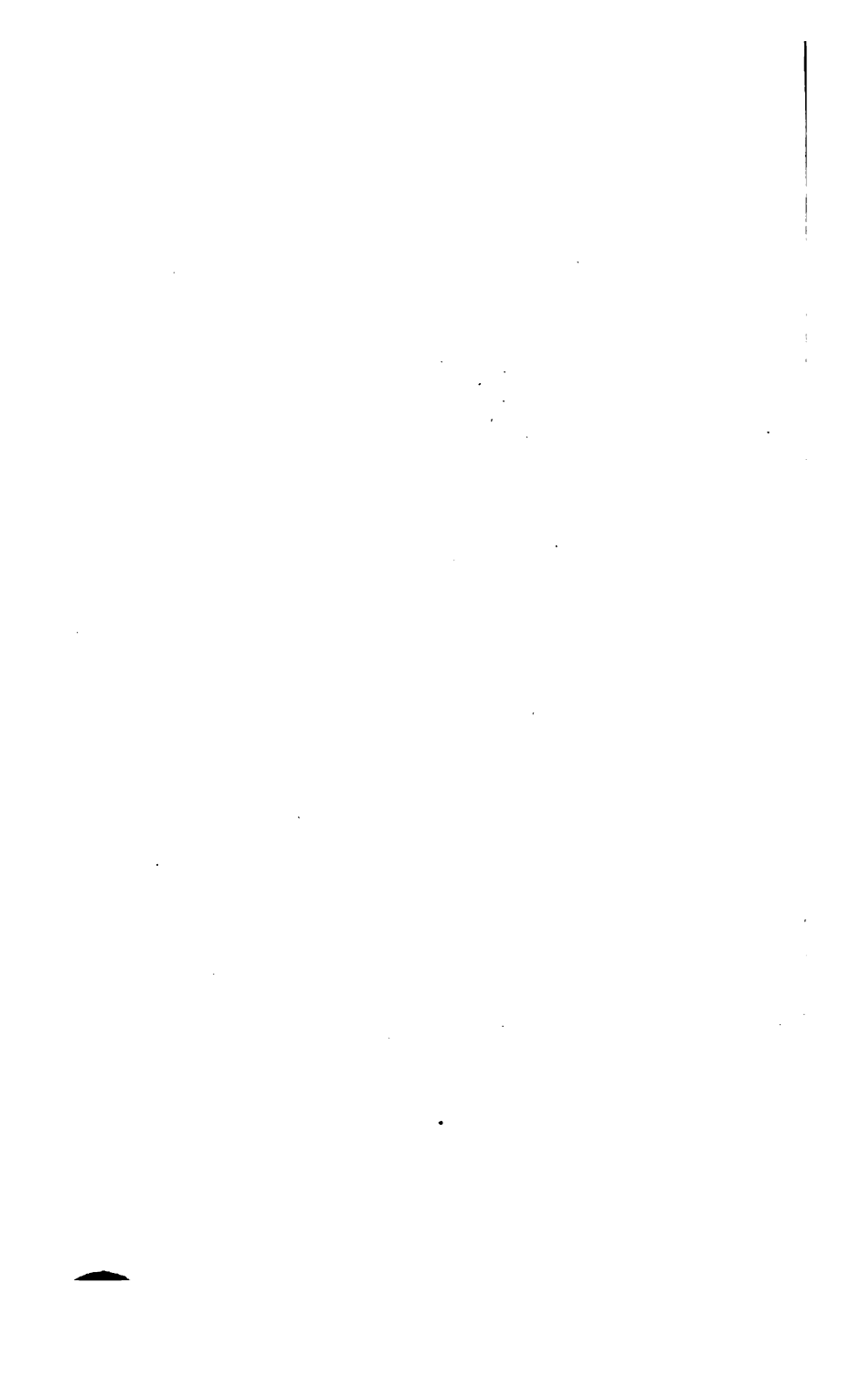
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STRICTURES
ON
ROAD POLICE,
CONTAINING
VIEWS OF THE PRESENT SYSTEMS,
BY WHICH
ROADS ARE MADE AND REPAIRED,
TOGETHER WITH
SKETCHES OF ITS PROGRESS
IN GREAT BRITAIN
AND
IRELAND,

FROM THE EARLIEST TO THE PRESENT TIME,

APPENDIX.

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BY WILLIAM GREIG.

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1818.

L.C.

ERRATA.

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167,	— 10,	from top, after an Act,	— 35th, c. 38.
172,	— 6,	from bottom, for served,	— <i>posted.</i>
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180,	— 13,	5,	— 3.



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TO THE

RIGHT HON. ROBERT PEEL,

CHIEF SECRETARY TO THE LORD LIEUTENANT,

&c. &c. &c.

SIR,

IN dedicating to you the following Strictures, upon the existing System of Road Police in Ireland, I am influenced by a conviction of the great and important advantages imparted to this country, by the wise and salutary measures you have applied to whatever was defective in its local institutions. The important subject I have ventured to descant upon, is obviously well understood by you.—Much, therefore, of the detail I have gone into, must, I am aware, so far as regards you personally, be superfluous. But the removal of prejudices, which too often have a tendency

E. J. K. 8-11-44

to perpetuate imperfection, can only, I conceive, be accomplished by a lengthened developement of facts, and so dispose the public mind to acquiesce in suitable legislative arrangements, calculated to modify and improve.—For the polite attention you have given to my communications, upon this subject, I am extremely grateful ; a feeling that leads me, with no small degree of pleasure, to assure you, that with the highest respect and personal esteem,

I have the honor to be,

Sir,

Your most obliged,

most faithful,

and obedient Servant,

WILLIAM GREIG.

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INTRODUCTION.



THE late efforts of the Legislature, for the further improvement of the **ROAD POLICE** in **IRELAND**, have occasioned much discussion, on the necessity and merits of the proposed amendments. The author of the following sheets, from his practice as a **ROAD ENGINEER**, in Great Britain, and, for the last nine years, in Ireland, (chiefly under the authority of his Majesty's Post Masters General, for the improvement of the post roads in this kingdom,) has enjoyed favorable opportunities of appreciating the merits of the present systems, and of discovering, and intimately knowing, their defects, and the abuses practiced under them.—He is induced to offer the result of his observations and experience to the public attention, although sensible of his want of ability to do justice to so important a subject. While attending to business, connected with the public roads, in several coun-

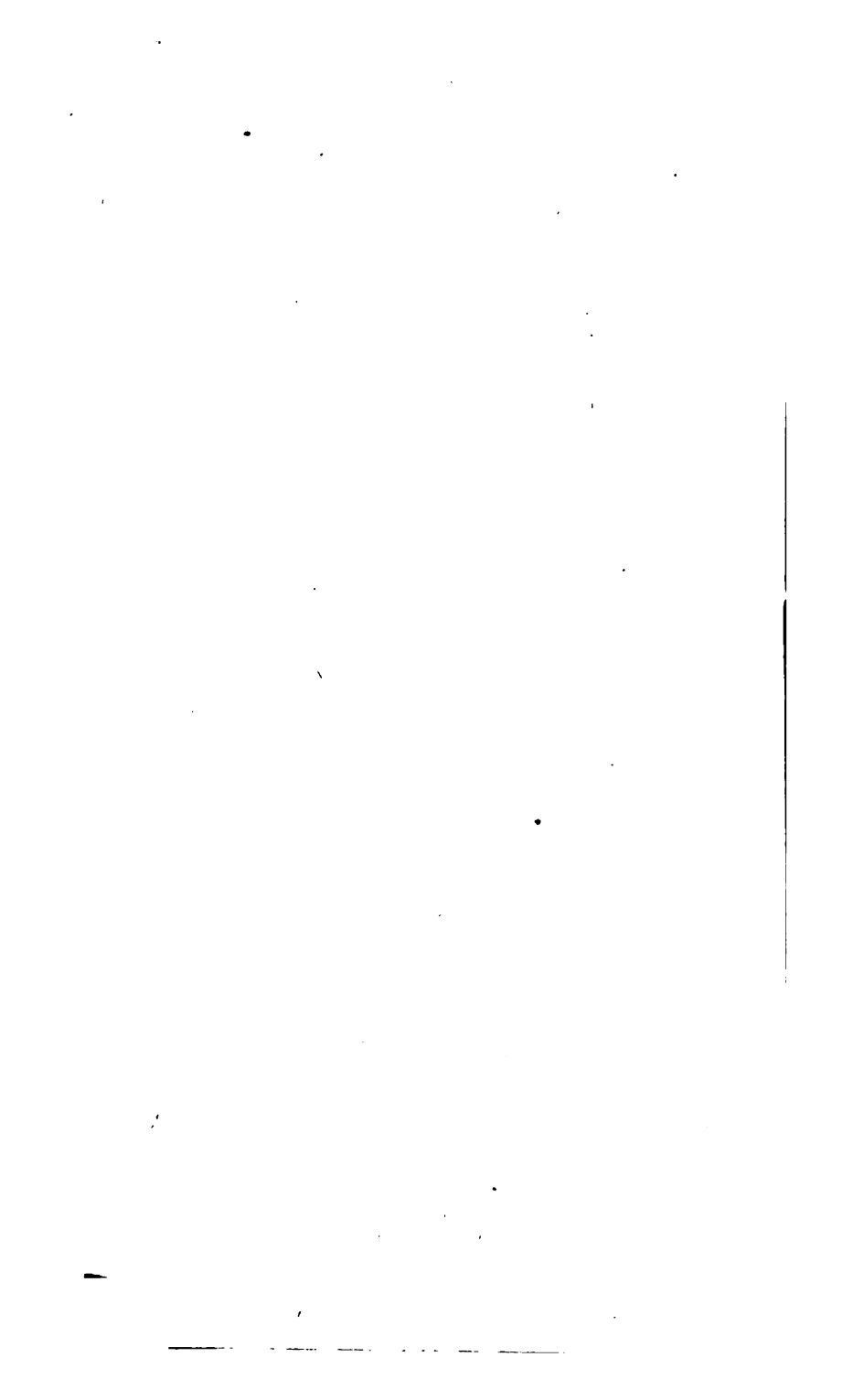
ties, during the last assizes, he formed the intention of the present publication, from a conviction that the details contained in it, are often misconceived, sometimes misrepresented, and too little attended to in general. It has been in the intervals of business, in parts of the island, very remote from each other, within the last two months, that the following **STRICTURES** have been drawn up and sent to press, in separate portions, which will account for any incorrectness in the composition, or want of arrangement. Had they been digested with more leisure and convenience, a more explicit and satisfactory arrangement might have been devised.

As the care of roads forms so important a branch, of the highly interesting and widely extended subject of political economy, or of the domestic policy of nations, the title of **ROAD POLICE** has been adopted, as the most comprehensive; for views of the systems by which roads are supported and managed, from a conviction that such details may tend to develop the causes which obstruct an improvement in their condition.

The summaries which are given, of the various Acts relative to Road Police, have no pretensions to a legal character; but merely as they are the means of improving the condition

of the Roads. As many readers may not choose, or have occasion, to peruse the entire work, an abstract or recapitulation is given, in each Section of its details, to which the general table of contents will serve as a key, or to any particular part of the subject. The Author, from a wish to compress his remarks, may have rendered them sometimes not sufficiently perspicuous; and in order to press some observations on the attention of his readers, seeming repetitions may be found, which are certainly inelegant. While endeavouring to avoid exaggeration, or to add fictitious weight to his conclusions, to have withheld facts which he has stated, or to have extenuated abuses and frauds which he knows personally to exist, would have been a dereliction of the duty he has voluntarily imposed on himself; but he has, at the same time, aimed to avoid the detestable practice of decrying the abuses of public arrangements, without adverting to what is really excellent in them.

Some persons may be weak enough to take offence at the exposure he has made; but if any thing has inadvertently escaped from his pen, in the hurry of composition, which may bear the construction of personal pique, or seem to throw an unmerited stigma on any



STRICTURES

ON

ROAD POLICE.

SECTION I.

Sketch of its Progress in Great Britain.

GOOD ROADS are of incalculable benefit; but they can neither be obtained nor preserved without well-devised arrangements, and legislative enactments, for their maintenance and regulation. Hence, these form an important branch of public **POLICE**; the origin and progress of which, in Great Britain, will form the subject of this Section.

The Romans were the first to show the example and advantages of a commodious intercourse afforded by good Roads. That they made numerous lines of road in Provincial Britain, is proved from Antoninus' Itinerary; and by many historians, as well as by the numerous vestiges of those roads which still exist or have been traced through the island. (1*). When the extension of highways, as the means of conquest, security, or improvement, formed a principal feature of the policy of that singular and enterprising people; and when they bestowed such labour and expense on their construction, that some of them have with-

* For this and the following Numbers, refer to Notes 1, 2, &c. at the end of the Work.

stood the injuries of nearly two thousand years; we may readily believe that they bestowed correspondent attention on the POLICE, by which those roads were maintained and regulated. From contemporary historians we learn, that they had rules and laws framed expressly for this purpose; proper persons being appointed for taking the care and superintendence of them.

The Romans wisely introduced their own laws, and police-regulations, into all their conquered provinces: in the eye of the Roman law, all citizens were equal, and all subjects of the empire were citizens of Rome. Hence, by the ancient law, no man, whatever other immunities he might enjoy, was exempt from his share of the burthen of keeping the public roads in repair, which passed through his estate. We find the following law in the twelve tables of the *Decemviri*, enacted about two thousand two hundred and sixty-eight years ago:—"If a road between two fields be bad, the traveller may drive through which field he pleases;" and the same principle was recognised by our Teutonic ancestors, and is still, with certain limitations, recognised in our common law (2); and there is another Roman law of a later date, "*ad instructiones reparationesque itinerum et pontium, nullum genus hominum, nulliusque dignitatis ac venerationis meritis cessare oportet.*" They had rules set down, saith Dugdale, "*de muniendis legem viariam*, as appears by Cælius, in his epistle to Cicero, and those they called *viacuri*, for *viarum curatores*."*

The Romans, after having occupied Provincial Britain for about four hundred years, being at length

* Warwickshire illustrated.

reduced to extremities at home, began to withdraw their troops, and about the beginning of the fifth century, finally left it, and never returned; having, meantime, greatly improved and beautified the country with cities, towns, &c. connected to one another by substantial roads; and the whole defended from the Picts, by works which have been the admiration of all succeeding ages. The subsequent fall of the Roman empire, throughout the world, was followed by centuries of confusion and violence, during which, whatever had been known of science and art, sunk into oblivion, amidst the rapine of feudal anarchy. Thus, after the departure of the Romans from Britain, the incursions of the Picts and Saxons, on the civilized and unwarlike Britons, ruined all.

When the Saxons arrived in Britain, the conflict and the chase were their chief pursuits; the cultivation of land they considered too ignoble, and having no relish for works of taste, or habits of industry, to appreciate the importance of those which were useful, they destroyed both, that they might the more effectually extirpate the ancient inhabitants; so that before the establishment of the heptarchy, it is supposed almost all the beautiful and useful monuments of Roman taste and industry, in Britain, were ruined and defaced. But when they could no longer subsist by plunder and exaction, they were obliged to cultivate land themselves, for subsistence; they, of course, became less warlike, and gradually began to relish and encourage those arts which their ancestors had so sedulously and effectually destroyed. The union of the heptarchy, under Egbert, in the beginning of the ninth century, was favourable to improvement, by putting a period to those internal

wars which constantly raged between its petty states; and by rendering the communication between the different parts of the country more secure and easy. Soon after this event, however, the Danes, who, about this time, became the terror of all the maritime parts of Europe, invaded the country, too numerous to be easily repelled; and the devastations which accompanied the severe and sanguinary struggles between them and the inhabitants, retarded improvement; yet, in the intervals of this conflict, we find Alfred, Edward, and others of the Anglo-Saxon kings, studiously endeavouring to promote industry and the arts, by enacting wise and salutary laws. It is indeed remarkable, that in a society so lately emerged from a state of the rudest barbarism, active endeavours should be used, even by the princes themselves, to enforce laws certainly unequalled for their mild and equitable principles. "All under the influence and administration," says Blackstone, "of one supreme magistrate, the king, in whom, as in a general reservoir, all the executive authority of the law was lodged, and from whom justice was dispensed to every part of the nation by distinct, yet communicative ducts and channels; which wise institution has been preserved for near a thousand years unchanged; from Alfred to the present time." The king was thus considered as general conservator of the public peace, and guardian of the public property. The laws enacted by the Anglo-Saxon kings, relative to the highways, seem chiefly intended to prevent robbery, and to establish them as public property, by extending to them the privileges of *pax regis*; for it is not likely that they were always recognised as such, while the country was divided into

I. Sketch of its Progress in Great Britain. 5

petty states, and amidst the anarchy and confusion resulting from so many jarring interests and animosities. "Thus there are laws," saith Dugdale,* "of Edward the Confessor, about the year 920, *De pace quatuor chiminorum*, that is *viarum sub majori judicio*, viz. touching the four road ways in some "higher courts." Those were four of the principal lines of communication formed by the Romans, and were probably the ones remaining most entire in the time of Edward. (3).

All the proprietors of land in the Anglo-Saxon times were under no obligation on account of their lands, except the three following, called the *trinoda necessitas*, which were indispensably necessary to the defence and improvement of the country: First, to attend the king, with their followers, in military expeditions. Second, to assist in building and defending the royal castles. Third, to keep the highways and bridges in a proper state of repair; viz. *expeditio contra hostem, arcium constructio et pontium reparatio*: for although the reparation of bridges only is expressed; yet that of roads must be also understood, as in the Roman law just noticed, where it is "*reparationesque itinerum et pontium*." To these obligations, all proprietors of land (even the churchmen, for a long period, not being exempted) were subjected; and these services were considered as due to their country, rather than to the persons of their kings; and were agreed to by all, as being necessary to their own preservation and convenience. Lands given in *frank almoign*, in *libera elemosyna*, as free alms to religious corporations, &c. were discharged of all other services, except the *trinoda necessitas*, of re-

* Warwickshire illustrated,

pairing highways, &c. just as the Druids among the Ancient Britons had *omnium rerum immunitatem*. All lands granted to the Anglo-Saxon Thanes, and others, were allodial, or held without acknowledging any superior; being granted with that frank and generous spirit by which rude unpolished warriors are animated, without any of these painful restrictions and manifold services and prestations that were afterwards invented by artful feudalists, at the Norman conquest.

Although the Norman conquest, in 1066, was not so sanguinary as the Anglo-Saxon, it was productive of very important changes in the state of Britain, particularly in the constitution and police; for few revolutions, even when achieved by the most wasteful conquerors, appear to have been attended with so sudden a revolution in both, as that which William I. unhappily introduced. What effect this remarkable change had on that branch of *police* which is the subject of the present observations, I shall now proceed to inquire.

The Saxons, while fierce and uncivilized, had destroyed the works and arts left by the Romans in Britain; but, in the course of some centuries, they became more pacific, and after the union of the heptarchy, their progress in arts, and more particularly in legislation, was very considerable. The peculiar excellence of the laws enacted by Alfred, Edward, &c. were, that they secured protection and justice to every class of freemen. The system introduced by the Normans, on the contrary, formed a complete and well-concerted scheme of servility; the baneful tendency of which was, that the further it receded from the throne, the more intolerable it

I. *Sketch of its Progress in Great Britain.* 7

burthens and hardships became; and all the lands in the kingdom were changed, (either by compulsion, or to avert a still greater evil,) from being allodial into feudal, thereby becoming subject to all the services, talliages, aids, &c. which arbitrary tyrants chose to impose on the depressed landholders. Under the patriarchal code of the Anglo-Saxons, the sovereign was considered guardian of the public property, and accordingly all highways, bridges, navigable rivers, havens, &c. were said to be his property; and as such he had a right to enact services for their preservation. But under the feudal government, these were, for fiscal purposes, computed among the *regalia*, being considered the exclusive property of the crown, and were accordingly attended to, not so much with a view to public advantage, as to assist in augmenting a revenue, raised in an arbitrary and unprecedented manner. Thus taxes and customs were levied upon the persons and goods of travellers, when they passed through certain manors, when they went over certain bridges, as well as when they carried about their goods from place to place in a fair, and when they erected in it a booth or stall to sell them in. These different taxes were then known by the names of passage, pontage, lastage, stallage, &c. and the same was practised in all the different countries of Europe, then under the feudal system, in the same manner as in several of the Tartar governments in Asia at present. (4.)

The repairs of highways and bridges, under the Roman and Anglo-Saxon police, was considered one of the *trinoda necessitas*, to which every man's estate was subject, as already remarked; and under this equitable plea, the repairs of these were

enforced by the Anglo-Norman kings, with great severity. As the tax of pontage, levied at bridges, &c. formed part of the royal revenue, services and aids for building and repairing them, were enacted. Towns and boroughs were sometimes forgiven other taxes or services, on account of building or repairing them, and even lands were granted under the same obligation; but building or repairing them was frequently enforced without any compromise or equity, and at length became an intolerable burthen on the community.

William Rufus proceeded on his father's rigorous plan. Henry I. found it expedient to ingratiate himself with the barons, &c. by promoting the restitution of the mild and equitable laws of Edward the Confessor; (for it was those laws of the Anglo-Saxon princes, which subsequent kings so frequently promised to keep and restore, as the most popular act they could do, when pressed by foreign emergencies, or domestic discontents,) he abolished the *curfeu*, and granted a charter whereby he gave up the greater grievances; but they were gradually broken through, until in the reign of King John, when they became so intolerable, that they occasioned the barons, or principal feudatories, to rise up in arms against them; which, at length, produced the famous *magna charta*, at Runnymede, in 1215, which, with some alterations, was confirmed by his son and successor, Henry III. in the well known statutes of Marl-bridge, (5,) in 1268. Both these charters stipulated, "that neither a town, nor particular person, shall be distrained or compelled to build *bridges*, or embankments to rivers, except those which are of old time, and by right of special contract, tenure, or

“prescription, obliged to it; and that none be compelled to make new bridges, where none ever were before, otherwise than by act of parliament.” That the erection of bridges, with a view to increase the crown revenue, by the tax of pontage, had been considered a very heavy grievance, is evident from this exemption, it being inserted in both of those celebrated charters. Even long after this period, there are many instances, according to Prynne, in his Register of Writs, where boroughs, &c. petitioned to be excused from sending members to parliament, representing that they were engaged in building bridges and other public works, and, therefore, unable to bear such an extraordinary expense. (6.)

There is an act of Henry I. (between 1100 and 1135,) in which the king’s highway, *via regia*, is defined to be that which is always open, and which no man may shut by any threats, as leading to a city, port, or town. Its breadth the same law prescribes to be such, as that two carts may pass each other, or 16 horsemen, armed, go abreast. Public roads were formerly (and I believe still, in law authorities,) divided into three kinds: 1st, *iter*, a foot-way; 2nd, *actas*, a pack, bridle, or prime way, which is both a horse and foot-way; while the principal traffic was carried on by pack horses, the greater part of the public roads were of this kind: 3rd, *via* or *aditus*, a cart-way, which contained the other two as well as a cart-way.

In 1258, a quarter of wheat cost 20s. in Northampton, when it was sold for only 8s. 6d. at Dunstable, in the next county; those places being only distant about 50 miles, this could not have happened if intelligence had been regular, and commercial intercourse safe and easy.

Edward I. has been justly styled the English Justinian, and one of the best legislators who ever filled the English throne. Sir Matthew Hale, Blackstone, &c. have bestowed the highest encomiums on his abilities, in this respect. In the long catalogue of beneficial laws, enacted for his people, it is only necessary for our present purpose to take notice of the following, viz. : The 19th of his reign, in 1285, which was the first effort of English legislation after the Norman conquest, on a subject so much connected with the prosperity of every people, as that of improving the highways. This act being to enlarge their breadth from one market town to another, and intended as well to prevent robbery as to facilitate Travelling; to effect which, "the lords of the soil were enjoined to enlarge their ways, where bushes, woods, or ditches be." This act also obliged every hundred and franchise to appoint two constables, who should present to the justices assigned, such defaults as they found in the country, concerning suits of arms, highways, &c.

By the 25th of his statutes, 1297, it was provided, that the king should take no aids or tasks, but by the common assent of the realm, and abolishing all arbitrary taxes and talliages, levied without consent of the national council. For although this had been provided against in the charters of his grandfather and father, he was the first to observe them strictly; accordingly we find that where he, on some extraordinary occasions, solicited aid from his subjects, they distinguished it by the name of a Benevolence, in order to declare that it was given not in consequence of any right, but as a gift flowing from their good-will; (a procedure not uncommon with feudal subjects,)—take

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the following instance :—London bridge had become so very ruinous in the time of Edward, that he granted a brief to the bridge-keeper, to ask and receive the Benevolence of his subjects through the kingdom, toward repairing it.* A proof that arbitrary services for maintaining bridges were no longer imposed.

Edward II. succeeded his father, but fell far short of him in the government of his dominions; he was the dupe of venal favourites, and of his infamous queen—during the intestine commotions which these occasioned, domestic improvement was forgotten; but the latter was industriously promoted by Edward III. In 1346, he granted a commission, to levy a toll on all sorts of carriages passing from the hospital of St. Giles in the fields to the Bar of the Old Temple, towards repairing this and other roads which had become almost impassable.—the *statute labour* system not having then been adopted or regulated.—Richard II's. unbounded attachment to favourites occasioned the rebellion of Wat Tyler, and this king was at length deposed by the parliament for his misconduct in governing.—Unless an increase of the marine, little attention seems to have been bestowed on improvement during the reign of Henry IV.—Henry V. was too keenly engaged in wars for his continental possessions, to attend to his home territory.—Henry VI. was nominated king, while an infant of nine months; during the guardianship of Bedford, and Henry's subsequent imbecility, the affairs of England, both domestic and foreign, were adverse.—To his death, in 1461, succeeded the civil conflicts between the houses of York and Lancaster. In those un auspicious times, the people

* *History of Rivers in Great Britain.*

were unhappily too much engaged in king-making; domestic improvement was neglected, and trade left to be carried on by foreigners.

On the accession of the Tudors, tranquillity being restored, internal improvement was attended to, notwithstanding the despotic conduct of most of the princes of that house. The laws of Edward IV. and Richard III. chiefly relate to the mercantile system, so ably exploded in modern times, by Smith, in his *Wealth of Nations*, &c. The policy of Henry VII. in enacting many wise laws, has been praised, by historians, fully equal to its worth. A very remarkable spirit of improvement had taken deep root before the accession of Henry VIII. which continued to send forth vigorous shoots, during his violent reign—and even during the shorter reign of Queen Mary many salutary and popular laws were made; perhaps, as Blackstone conjectures, the better to reconcile the people to the bloody measures she was induced to pursue.

By the 22d of Henry VIII., in 1531, the expense of BRIDGES devolved on the County at large, the care of the ROADS being left to the parishes. “As
“in many places it could not be known what hundred, parish, person, or body politic, ought to repair bridges broken in the highways;—and public
“bridges being of general convenience, are of common right to be built and repaired by the whole
“inhabitants of that county in which they lie.” The business of superintending bridges was annexed to the office of High Constable, with an allowance of salary—at the same time it was made felony to destroy a bridge perversely or maliciously. Numerous laws were enacted in this reign, for amending the roads

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of particular districts, and for the *paving* of streets, in various cities and villages, which prove how much industry had gained ground of idleness, how much opulence began to prevail over penury, and how far a desire of comfort had succeeded to the distraction of predatory warfare, and the languor of sloth. The 2d and 3d of Philip and Mary, "for amending the highways, being now," says this act, "both very noisome and tedious to travel in, and dangerous to passengers and carriages"—was the first general law which obliged every parish, by a certain number of days' labour, to repair its roads. If the parishes neglected these repairs, they might formerly, as they may still, be indicted for such their neglect. But it was not then incumbent on any particular officer to call the parish together, and set them upon this work; for which reason, by this last statute, surveyors or overseers of the highways, were ordered to be chosen in every parish.

That this effective system of Road *police* should only have been devised at so recent a period as 1556, will not appear surprising, if the previous circumstances of the country are adverted to. (7.) As commerce and internal improvement continued to increase, the legislature began to bestow more and more attention in regulating the different branches of public police.

The obvious and indispensable utility of Roads, and of a *police* for their maintenance and regulation, merited and received attention. How servile, soever, may have been the condition of the inhabitants of cities and towns, it evidently appears, that they arrived at liberty and independence earlier, and much easier, than the occupiers of land in the country, and have, to the present time been, in a great measure, exempt

from various *police* burthens, to which the latter are still subject. For a long time the Road *police* was imperfectly regulated, and often arbitrarily imposed, forming no inconsiderable share of the hardships sustained by the tenantry in several countries in Europe, as the *Corvees*, or police of the roads in France, &c. (8.)

The great body of the people being the occupiers of the soil, were held in a state of vassalage long after the *magna charta* granted to the barons and clergy. It was the enlightened views of civil liberty, &c. in the 16th century, which occasioned a more than usual attention to enact wise and salutary laws for a free people, and among others, the Road *police* of these kingdoms was made as little oppressive as possible, considering the existing circumstances at that time.

The act of 2nd and 3rd of Philip and Mary, noticed before, for amending the highways, at first required only *four* days' labour of the inhabitants, and their teams, annually; but was afterwards increased to *six* days. This quantum of labour might have been sufficient, or nearly so, at the time of its enactment, for the intended purpose; but as traffic still farther increased, and heavier carriages were adopted, wider and stronger roads became necessary, requiring more labour to make and repair them, than the laws enforced, or could be reasonably demanded; and also the want of a more general and effectual superintending power—in process of time rendered the former provisions quite inadequate for maintaining the public roads in sufficient repair. This caused *turnpikes* to be resorted to, by levying tolls, either to defray the expense of repairing the former roads, or to remunerate those who embarked their money in making new lines.

We have, indeed, seen in the preceding pages, that tolls were for other reasons resorted to by the Anglo-Norman kings, viz. for the purpose of augmenting the crown revenues; and that Edward III. in 1346, granted a commission to levy tolls for the repair of certain roads which had become almost impassable, because the *statute labour* was then either not appointed or regulated.

But the reign of Charles II. merits the praise of having first established *turnpikes* on a regular and permanent system, (at least on the great Northern road, through the counties of Hertford, Huntingdon, and Cambridge,) whereby those who enjoy the benefit of easy conveyance, contribute to the necessary expense. This salutary measure created a new and far better system of roads, and the obvious utility and apparent justice of this tax, might have insured the acquiescence of the people, as it tended to lighten the burthen of those on whom the maintenance of the public roads had hitherto rested. But so blind are the people in general to their real interests, that to whatever is new, and to whatever immediately requires their money, they are commonly averse. "In many places the first turnpikes were torn down, and military force was necessarily called to compel the country people to have practicable roads for their own convenience and emolument."

Turnpikes, which were thus first introduced soon after the Restoration, were but slowly extended, from the want of capital and enterprise, and in opposition to the wishes of the people.—Thence we find, in the same reign, that when Cowley retired from the hum of men, to Chertsey, in 1665, he thence invited Dr. Sprat to enjoy the pleasures of St. Anne's Hill, by

telling him "that he might sleep the first night at Hampton town." A poet of the present day would invite his friend from London, by saying, that he might easily step into the coach, and come down to breakfast. Even in the subsequent age, when Sir Francis Wronghead was chosen into parliament, we hear of much preparation for his journey to town, and of many accidents by the way, owing to the badness of the roads. A parliament man, at present, sends to the next stage for post horses, when there is a call of the House, and arrives in Westminster from any distance, at any hour. Much about the same time, when persons had occasion to travel from Manchester to London, and the like distance, they not unfrequently made their wills before setting out, from an apprehension of the dangers to which they would be liable on their journey. So aptly may we say with Dryden :—

"O wondrous change of a changeful scene;

"Still changing to the last."

But to return :—the act which, for a time, made it felony, at the beginning of the reign of George II. to pull down a toll gate, was continued as a perpetual law before the end of it ; for violent opposition was made during that reign, by the country people, to the erection of turnpikes ; particularly in the summer of 1749, in Somerset, Gloucester shires, &c. great mobs, calling themselves Jack-a-Lents, variously disguised and armed, destroyed the gates and bars, often blowing up the large posts by means of gunpowder ; the commissioners being obliged in turn to attend, aided by the military, in order to assist and protect the toll-man, and to awe the people, and oblige them to pay the toll.

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We are told that the **HIGHWAYS** in Great Britain were not equal in goodness to those of foreign countries, when the memorable peace of Aix la Chapelle, in 1748, was concluded. From this epoch to the demise of George II. great exertions were certainly made to supply that inconvenient defect. Yet the *Gentleman's Magazine* for 1752 and 1754 informs us, that the great roads, even, so late as those years, remained almost in their ancient condition, when the traveller seldom saw a turnpike for two hundred miles after leaving London. Of the lamentable condition of the roads in Britain, while they were amended by the compulsory labour of the poor alone, we may judge from the wretched state of the ways, which, in the present time, are kept in repair by the ancient mode.

The first fourteen sessions of the present reign are distinguished, not only for collecting the various *road acts* into one, (13 Geo. III. c. 78.) but for enacting no fewer than 452 acts for repairing the highways of different districts. The number of acts of parliament passed for making roads and bridges in Britain, in eight years, ending 1792, were 302; in the same period, ending 1800, there were 344; and in the same period, ending 1809, there were 419. The acts during the same periods, for *paving* and other parochial and urban improvements, were numerous in proportion. But it is necessary to notice the acts relative to *statute labour* more particularly.

By the statute of Philip and Mary, the constables and church-wardens were to appoint surveyors or overseers of the roads annually; but by the 13th Geo. III. c. 78, they are constituted by two neighbouring justices, out of such inhabitants or others,

and may have salaries allotted them for their trouble. Their office consists in putting in execution a variety of laws for the repair of the public highways; that is, of ways leading from one town to another, all of which were first reduced into one act by 13th Geo. III. c. 78. viz. in 1773. By this act, they were to call together all the inhabitants and occupiers of lands, tenements, and hereditaments within the parish, six days in every year, to labour in fetching materials, or repairing the highways: all persons keeping draughts of three horses, &c. or occupying lands, being obliged to send a team for every draught, and every £50 a-year they keep or occupy; persons keeping less than a draught, or less than £50, to contribute less in proportion. By 54th cap. 109, in 1814, persons keeping a coach, post-chaise, or other wheel carriage, were, for the first time, made liable, (but saddle horses are not noticed,) and those occupying under £50, or above, to pay by the pound rate in proportion—every man not being an occupier of any tenement of £4 a-year, between the age of 18 and 60, and not being an apprentice or menial servant, to work personally six days yearly, or compound by paying two shillings. But by the 34th Geo. III. c. 74, in 1794, the whole burthen of the repair of the highways has been thrown upon the occupiers of tenements; and by long and mysterious clauses, has repealed the sections of the former act relative to the occupiers of tenements of £4 yearly value. By this act, two justices may exempt the poor occupiers of tenements from any assessment towards the highways. By the 44th Geo. III. c. 52, justices at special sessions may fix the composition for statute duty within prescribed limits. By 13th Geo. III. c. 78, cart-ways leading to any market town must be

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made, at least, 20 feet wide, if the fences will permit; and may be increased or diverted in other directions, by two justices, at the expense of the parish, to the breadth of thirty feet, through or over any person's soil, even without his consent; so that the new way does not take away the ground of any garden, park, or yard; or pull down any building. But the surveyor shall offer the owner of the soil, over which the new way is to be carried, a reasonable compensation, which, if he refuse to accept, the justices shall certify their proceedings to some General Quarter Sessions; and the surveyor shall give fourteen days notice to the owner of the soil, of an intention to apply to the sessions; and the justices of the sessions shall impanel a jury, who shall assess the damages which the owner of the soil has sustained, provided that they do not amount to more than forty years' purchase; and the owner of the soil shall still be entitled to all the mines within the soil, which are to be got without breaking the surface of the highway. But by the 56th Geo. III. c. 68, in 1815, the order for diverting; shutting up, selling, or disposing of highways, bridle, or footways, must be by the justices at a special sessions; and notice thereof must be inserted for three successive weeks in the newspapers which generally circulate through the county in which such highways lie; and a notice posted on the door of the church or chapel of every parish or township through which they pass for three successive Sundays—persons injured to appeal as before. No tree or bush shall be permitted to grow in any highway within fifteen feet of the centre of it, except for ornament or shelter to a house; and the owners of the adjoining lands may be compelled to cut their hedges, so as not to exclude the sun and wind from the high-

way. Fines awarded by the court for not repairing a highway, shall not be returned into the court of exchequer, but shall be applied to the repair of the highways, as the court shall direct. Surveyors may lay out their own money in purchasing materials for repairs, in erecting guide-posts, and making drains, and shall be reimbursed by a rate to be allowed at a special sessions. In case the personal labour of the parish was not sufficient, the surveyors, with the consent of the quarter sessions, might levy a rate on the parish in aid of the personal duty, not exceeding in any one year, together with the other highway rates, the sum of 9d. in the pound, for the due application of which they were to account upon oath. But if the *statute labour* of the parish, and this additional rate, were both inadequate to maintain its highways, &c. in repair, the parish was still liable to the expense of an indictment, notwithstanding, for their not being in sufficient good repair; the facilities of indictment were therefore a serious grievance in many cases, which has been so far remedied, that after due notice two Sundays before at the church or chapel, the justices at sessions, upon application from the surveyors, may order an additional rate to be levied, not exceeding 1s. 6d. in the pound, on the actual value at the time of making such additional assessment.

The very laudable and necessary investigations of various committees of the House of Commons, relative to the improvement of this important branch of domestic policy, has been already productive of essential advantage; although, as yet, the radical defects of the system have not been changed. To enumerate the many partial amendments which have recently taken place, would exceed the limits of this Sketch. Beside the expense of indictments being in a great measure

removed, as just noticed—by the 43d, 54th, and 55th of Geo. III. the acts relative to the building and repairing the BRIDGES of counties, and of hundreds, townships, &c. have been amended and greatly improved—the purchase of lands and buildings for their extension or improvement have been facilitated; also, by the same acts, the obtaining of stones and other materials for making and repairing them, as well as the roads over them, and at their ends; and also the justices at the quarter sessions contracting for the repair of such bridges and roads.

The laws relative to TURNPIKE ROADS have also been amended in several particulars; and none more important than that for the better regulation of the loads carried by the heavy waggons, so detrimental to the roads throughout England; and also for encouraging (by an abatement of toll) the use of wheels so constructed as to be less injurious to the roads. By the former, the greatest weight to be carried, is reduced from 8 tons in summer, and $7\frac{1}{2}$ tons in winter, to 6 $\frac{1}{2}$ tons in summer, and 6 tons in winter; as it was found that so enormous a weight as 8 tons was more than sufficient to grind any common road materials to powder; although the weight still allowed is, perhaps, too great to permit the public roads being kept in sufficient repair, unless at a very considerable expense. (9.) Formerly, a presentment or indictment for a TURNPIKE ROAD being out of repair, might be preferred against the parish, and not the *trust*. The committee on the highways, of 1809, very properly recommended that such indictment should be preferred against the treasurer of the trust, instead of the parish through which such turnpike road may run; and that in cases of indictment, the party in error

should pay all costs and charges out of pocket—and, I presume, it has since passed into a law.

In order to render this Sketch of the progress of Road police in Great Britain more complete, it will be proper in this place to return, and trace its progress in Scotland, where the *statute labour* and *turnpike system* were introduced or regulated at a much later period than in England; and where they are still, in some respects, different. The Romans occupied Scotland for a much shorter period than England; and the Scottish kings were too much engaged in wars with that kingdom, and domestic contentions, to have leisure to attend to the regulations of internal policy. (10.) So late as the year 1561, so turbulent was the state of the country, and so dangerous was travelling on the highways in Scotland, that when Queen Mary appointed a court of justice to be held on the border, the inhabitants of no less than eleven counties were summoned, with orders to be "well bodin in feir of war in the most substantial manner;" (that is, completely armed) to meet and pass forward to Jedburgh, with the person who was to act as judge, in order to guard his person, and enable him to enforce his decisions. In such a state of things, there could not be much commercial intercourse by means of the highways; of course, attention to their improvement would be a very secondary consideration. James IV. although too fond of magnificence and war, was not inattentive to promote domestic improvement: but James VI. who succeeded his mother on the throne, in 1587, shewed the greatest abilities in governing, and was remarkable for his attention to such improvements; which was continued under his auspices, by the Scottish parliaments, after his ascending the throne of England.

The general *statute labour* act of Scotland was passed in 1667, by a Scottish parliament, and afterwards amended by the parliament of Great Britain. Both these acts are still in force, though most of the counties have obtained particular legislative acts for regulating the administration of their statute labour. By the original act of 1667, it was directed, that the occupiers of land should annually furnish six days of a cart and two horses for every plough they kept; and that every cottager or householder should perform six days' work for repairing the roads; a very small sum, under the name of bridge-money, was laid upon the proprietors of land. Before the Union of the two kingdoms, the Privy Council of Scotland seemed to have had a controlling power over the administration of the road-work; but that body being dissolved after the union of the two nations, each county has since been left to the freedom of its own will, without being accountable to any tribunal whatever for the appropriation or expenditure of the money levied from the inhabitants within its bounds, toward repairing and supporting the public roads. The inefficiency of the general *statute labour* act of Scotland, for procuring good roads, appears not to have been quite so early ascertained as in England; for this system was not even partially departed from sooner than in 1751, when the first Scottish turnpike act was applied for, and obtained by the county of Haddington, being about a century later than the introduction of turnpikes into England. *Statute labour*, however, remained upon its former footing till 1769, when the same county procured an act to be passed for commuting statute labour into money; which act has been generally followed, and in some respect, imitated in almost every

other county in Scotland. The Haddington act contained an excellent provision, enabling the justices to raise the original commuted value of six days' work of a cart and two horses, proportionably with an increased advance of the value of labour. In 1770, when the act was carried into execution, six days' work of a cart and two horses was rated at twenty shillings; afterwards it was increased to thirty shillings; and in 1802, to forty shillings; which is still much below the real value of such labour in that part of the country. The statute labour of a team and labourers is, in like manner, commuted in other districts, according to the relative value of such labour in those districts.

GENERAL laws respecting the maintenance and support of public roads can never, perhaps, be completely effective or useful. "The law, in every case, should be framed to meet the circumstances of the district for which it is passed; otherwise the public will never enjoy the benefit of good roads." The road police of Scotland, in this respect, may, therefore, be said to be superior to that of England—as particular legislative acts for most of the counties in the former kingdom have, at different times, been obtained for regulating and directing the levying and appropriating of their *statute labour*. As the ecclesiastical establishment, &c. is supported by the proprietors of estates, parochial vestries, like those of England, are unnecessary, and almost unknown. The persons who have the direction of expending the statute labour, or rates on the roads, are appointed by those proprietors; generally the clerk to the justices at district meetings receives and disburses the money levied, and his accounts are inspected by those justices. Parish roads

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are rarely widened or altered, unless the improvement is obviously necessary. In such cases, the occupying tenants seldom object, (as they are benefited themselves, and never pay any rent for ground occupied by public roads,) or the proprietors have generally sufficient power or influence to obtain permission. In England, the repair of any road may be procured by indicting the parish or parishes in which it is situated: but in Scotland no law exists by which the repair of any road can be enforced; and provided the proprietors of the parish can shew that their statute labour has been expended, no recourse or remedy lies, even suppose the roads of such a parish were in the most dangerous and impassable state. Every parish may expend what sum it pleases in repairing the roads over and above what it is bound by law, and they will not be called to account for such over expenditure: but without the sanction of an act of parliament, the majority of a parish cannot put it in execution against the minority, in the event of such an assessment being resisted. Generally speaking, *statute labour* is now only paid by the occupiers of land; though originally every housholder was bound by law to work *six* days annually upon the roads. In fact, the support of the parish or bye-roads in Scotland may be considered as a burthen upon the tenantry, though intended by the ancient law to fall upon all classes of the community. No doubt, a commuted sum in lieu of statute labour is still levied from the inhabitants of some towns, and even from those of country villages, in particular districts: but the money raised in this way is of so trifling an amount as hardly to merit notice, when the *bye-road* system is under consideration.

According to the existing system, it is evident that

the proprietors of a county are responsible to none for the allocation and appropriation of the money levied within its bounds, except to the justices of districts, who are also proprietors themselves ; so that no effectual check lies against abuses when such may happen to occur, (which is less frequent than might be supposed.) The case was otherwise before the Union, as mentioned above.

The extensive Military and Highland roads in Scotland are noticed in the appendix. (11.) The Turnpike roads, in my further remarks on the road-police of Great Britain, in general, to which I shall now again return.

The roads in Great Britain may be considered as of two kinds : 1st, Those that constitute the great leading lines of communication from town to town ; and 2dly, the parish or bye-roads which lead from farm to farm, or from village to village, in the first instance, for local convenience, and ultimately communicate with the great and leading roads. While the former are under the *turnpike system*, the latter are made and repaired under the provisions of the *statute labour system*—which I have been chiefly attempting to trace and describe in the preceding pages. It was the insufficiency of this system which caused the turnpike system to be resorted to ; which is, indeed, the most equitable one, as no tax can operate with more justice and equality than that of turnpikes ; since all who are benefited by them, strangers as well as others, must contribute towards their support.—Had it not been for the introduction of turnpike roads into Great Britain, manufactures and internal traffic could not have been carried to the amazing extent which they have been ; the extension of those roads

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are not less to be considered as a cause than as the effect of the increase of internal traffic, &c. This increase of traffic furnished tolls to liquidate or defray the interest of capital employed in repairing and improving the former lines of road, and in opening new lines in more convenient and necessary directions. Even in the more remote districts of Scotland, where the traffic is comparatively inconsiderable, the proprietors of estates, from that liberal and enlightened conduct which has brought agricultural and rural improvements so rapidly to their present perfection, (from a well-founded conviction, that in order to increase the value of estates permanently, the interest and outlay of the proprietor and occupier must be in some degree mutual,) have expended vast sums in opening new lines of road, being satisfied to receive a moderate or very low interest, which the tolls, in many of those situations, can only repay; the deficiency being amply compensated by the consequent improvement and increased value of their lands. The number and extent of roads made on a spacious and substantial scale in Aberdeenshire, and other of the northern parts of Scotland, by the proprietors of estates, within the last fifteen or twenty years, which have come under my own personal notice and acquaintance, if necessary to be detailed in this place, would appear incredible to those who have not had an opportunity of witnessing such spirited exertions.

The introduction and extension of turnpike roads occasioned more attention to be bestowed on the cross or bye-roads: yet the latter are necessarily become so numerous, and so much occupied, that the *statute labour*, under the present system, is now quite inadequate to keep them in sufficient repair. This system

is no longer adapted to the present state of society, however salutary it might have been at the time of its enactment. Its defects, as applied to the present state of Britain, are radical and numerous.

To point out the defects of the present system of Road *police* in Great Britain in detail, or to consider the remedies which have been suggested, would require a more ample discussion than is practicable under the limits of the section now occupied, which is chiefly intended to furnish a sketch of its progress in Great Britain, illustrative of the progress of the same branch in Ireland: to point out the defects and merits of which, in the latter kingdom, being more particularly the intention of this work. But it may be proper to add a few additional remarks: First, The system of *statute labour* in Great Britain is now inadequate for the intended purpose; the existing acts of parliament respecting the making and repairing of roads, even where the justices have a power of commuting the *statute labour*, are not sufficient in many districts for the purpose of raising a fund for keeping the roads in proper repair. Secondly, The principle by which *statute labour* has been hitherto assessed and collected is far from being equitable; on the contrary, both justice and equity call for imposing the assessment according to principles which would meet the present state of society more exactly than those of the ancient *statute labour* act. Thirdly, The present system is radically defective, because it is founded upon the principle, that the roads of every parish or district can be maintained in sufficient repair at the same expense, many parishes having more roads than others: it consequently follows, that more money must be required for repairing roads in parishes so circum-

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stanced, than in others differently situated. Materials for making and repairing roads are also more difficult to be procured in some parishes than in others; consequently, the same expense will not procure good roads in all of them. Fourthly, The present system is also radically defective, in being founded on the supposition, that the roads would always be alike numerous and easily kept in repair; not admitting of a sufficient increase of funds to meet the necessities and conveniencies of a progressive increase of population and traffic—which eventually require a proportional increase of expense in keeping the existing lines of road in sufficient repair; altering them in more convenient and direct situations, or of extending and increasing the number of lines of communication; in which respect, the PRESENTMENT system of Ireland is decidedly superior. Fifthly, Under the present system, there is not any sufficient check to prevent the fraudulent expenditure of the rates levied; for which purpose, some superior power is wanted to enforce a stricter examination of the surveyors' accounts. And Sixthly, Some more effective, directing, and superintending power is wanted to ensure the labour and money levied being skilfully expended to the greatest advantage; and this defect may be said to include all the rest. For it is not the want of means in many cases, but the misapplication of that means, or negligence in the general management, that is the cause why the roads are almost "every where a disgrace to the country." It has been proposed to appoint proper surveyors or supervisors, with adequate salaries, to undertake the arrangement of certain districts, whose duty it would be to employ deputies to see the statute labour done, and statute rates expended under their direction.

But it is not merely the parish or bye-roads that are in want of such an arrangement; something of the same kind is evidently wanted for the whole roads of the empire. Immense sums of money are expended in making and repairing the public roads in Great Britain; while, notwithstanding that immense expenditure, the general state of those roads is, by every person of observation, acknowledged to be quite imperfect. This most important subject has occupied the attention of various committees of the House of Commons for the last ten or eleven years, assisted by masses of information from professional and scientific people in every part of the country. And several judicious amendments have been the result; but no general and effectual change of system has been adopted.

Mr. Middleton states the repairs of the roads in England alone, to amount to the enormous sum of *two millions* annually! Another writer says, "half the money, well applied, would make and preserve the roads of the whole empire, so that they would be the best in the world." And it has been estimated by a third, that if the suggestions of some of those committees, &c. were carried into full effect, the yearly national advantage would be equal to so great a sum as £5,057,000. Admitting that this may be exaggerated, it is sufficient to prove the importance of adopting them. To ensure the roads of the empire being kept in sufficient repair, even by the present enormous expenditure, would be a most material benefit: but should the price of men's labour, and the hire of horses continue at their present reduced rate, I am convinced a great saving might be effected by placing the management in judicious hands.

It appears to be the unanimous opinion of many intelligent and practical persons, that a Board of Commissioners should be appointed for managing the public roads of the empire; having Engineers of skill and capacity under their authority, to examine and report upon the state and condition of the roads in each county or district, previous to the appropriation and expenditure of the money levied from the inhabitants in lieu of *statute labour* or otherwise, toward the support of the public roads, as well as to direct and superintend such expenditure for this most important branch of public service. This is certainly the only branch of the police of those kingdoms which does not enjoy the advantage of such an arrangement.— Perhaps, it is not improbable, but that some arrangement of this kind will ere long be adopted, as the committee of the House of Commons, on the highways, seem to be aware of the propriety and practicability of such a measure. The following is the conclusion of their report, ordered to be printed 11th May, 1808 :—

“ The importance of land-carriage to the prosperity of a country need not be dwelt upon. Next to the general influence of the seasons, upon which the regular supply of our wants, and a great proportion of our comforts, so much depend, there is, perhaps, no circumstance more interesting to men in a civilized state, than the perfection of the means of interior communication. It is a matter, therefore, to be wondered at, that so great a source of national improvement has hitherto been so much neglected. Instead of the roads of the kingdom being made a great national concern, a number of local trusts are created, under the authority of which large sums of money are collected from the public, and expended without adequate responsibility or control. Hence arises a number of abuses, for which no remedy is provided, and the resources of the country, instead of being devoted to useful purposes, are too often improvidently wasted.

“ Your committee do not mean, by these observations, to recommend that the turnpike roads of the kingdom should be taken into the hands of government, as such a measure is liable to various objections, more especially, as it would be difficult to compel either the government or its agents to keep the roads in a proper state of repair ; and as in process of time, the roads might be considered rather as a source of revenue, than an accommodation to the public. But your committee are perfectly convinced, that leaving matters in their present state, is in the highest degree impolitic. They are of opinion, that a parliamentary commission ought to be appointed, to whom every trust should be obliged annually to transmit a statement of its accounts, to be audited and checked. Before these commissioners any complaints of improper expenditure, by which so many innocent creditors suffer, ought to be brought, and properly inquired into. An annual report of the state of the turnpike roads of the kingdom ought also to be laid, by such commissioners, before His Majesty and both Houses of Parliament. Such a commission would not be attended with any expense to the public treasury, as a small poundage on the money received by the different trusts would defray all the expenses it could possibly occasion.

“ Nor is this all the advantage that would be derived from the proposed establishment. Under the direction of such an institution, the necessary experiments might be tried, for ascertaining the best mode of forming roads, and the best means of keeping them in repair ; the proper construction of carriages and wheels, and the system of legislative provisions, the best calculated for the preservation and improvement of roads. All these are points, which cannot be brought to a state of perfection of which they are capable, without some attention on the part of the legislature ; nor by committees of the House, occasionally appointed, however zealous in the cause. Such great objects, which would add Millions to the national income, and would increase the comfort of every individual in the kingdom, can only be

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“successfully carried through by a great and permanent institution, whose whole attention shall be directed to that particular object; and who would take a just pride in accomplishing some of the greatest benefits that could be conferred on their country.” (12.)

From the hasty sketch traced in this section, it appears then that the Romans first introduced a facility of communication by good roads into Britain, and a police for their regulation. That the incursions of the Saxons, &c. destroyed the Roman works and arts in Britain; but that the Anglo Saxons, particularly after the union of their heptarchy, again cultivated the arts, and adopted beneficial laws, and an excellent road police, which was greatly changed by the Anglo Norman kings, who rendered this branch of police, at least with regard to the erection and maintenance of bridges, extremely grievous and oppressive—for fiscal purposes. These were stipulated against in the Great Charters granted by king John and his son; but first effectually changed by Edward I. who as well as Edward III. enacted several excellent laws for the improvement of the highways.—Those laws, however, were more particularly intended to prevent the robberies then so common, than to facilitate the travelling of carriages, &c. (13.)

That the first effective regulations for amending and maintaining the highways were enacted by laws of Henry VIII. when the expense of bridges devolved on the county at large, the care of the roads being left to the parishes, who were to bestow a certain portion of labour on them annually; the subsequent act of Philip and Mary, in 1556, appointed overseers for such labour—the turbulent state of the country under the feudal government, preventing such an effective

system of road police being sooner adopted. That the statute labour of six days being found inadequate to keep the public roads in sufficient repair, occasioned turnpikes to be first resorted to in the reign of Charles II.; but were slowly extended; from the opposition given to them, and the want of capital. So that in 1748, the roads in Britain were inferior in goodness to those on the Continent; and in 1754, turnpikes were seldom seen for 200 miles after leaving London. That it is since the accession of the House of Hanover, particularly during the present reign, that this important branch of public police has received the greatest attention and amendment. That in Scotland, the *police of Roads* was little attended to before the time of James VI. and was continued after his ascending the English throne; and still farther extended after the Union of the two kingdoms. Turnpikes being introduced into Scotland nearly a century later than into England, and that they have since been very widely extended. That the statute labour system of Scotland is superior to that of England, in *one* respect, viz. in most of the counties having obtained particular legislative acts, for the regulation of this labour, adapted to their local circumstances; whereas, the statute labour acts in England are uniform, or nearly so, throughout the kingdom. That the present statute labour systems of both kingdoms are extremely imperfect: First, Being now inadequate to the present improved state of society and the country. Secondly, Inequitable, as applied to the different classes of the community. Thirdly, Radically defective, as being formed on the principle that roads are equally numerous, and easily repaired, in every parish. Fourthly, Not admitting of additional roads being extended to

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answer the necessities of an increased population and traffic. Fifthly, That there is not a sufficient check on the expenditure of the rates levied. Sixthly, A want of some more effective directing and superintending power. —That although immense sums are expended on the highways, &c. of Great Britain, they are still very defective; half the money, or at least considerably less than the present expenditure, under better systems and arrangements, would render them the best in the world, viz.—a board of Commissioners to control, able and skilful Engineers to direct and superintend such expenditure; and that this is the unanimous opinion of numbers of intelligent and practical persons, and of the committee of the House of Commons, which has for many years been employed investigating the present Road *police* of Great Britain.

And moreover,

It may be added, that a period of peace like the present, when the public attention is no longer engrossed or distracted by foreign contests, was heretofore considered peculiarly propitious to domestic improvement; and it is, perhaps, now become more imperative than ever, to husband our internal resources, and employ every branch of public expenditure, in the most advantageous manner. To adopt a system of Road *police* more applicable than the present to the existing state of society and improvement, is, therefore, an object of the greatest importance. For the public and private advantages which would result from effecting so great an object as the more effectual and less expensive amendment of the highways, are incalculable; though from their being spread over a more extended surface, and available in divers ways, such advantages are not always so apparent as those derived

from other sources of improvement of a more restricted and less general nature. As this subject has so long attracted the attention of the legislature and of the public, and as scarcely a session passes without some beneficial amendment being made in the existing laws relative to it, we may anticipate the adoption of a system or systems calculated to effect this object; and also, by combining, from the experience and practical information which has been obtained, the new and old Regulations, if not into One general CODE, at least into such a classification as will embrace the local and peculiar circumstance of every district, or as one of the committees expect "every parish, every farm, and almost every field in the kingdom." In short, the many important advantages to be derived from amending the public roads, are too many to be enumerated, and need hardly be dwelt on—the comforts of every individual would be materially increased, and his interest greatly promoted. By the improvement of the roads, every branch of the agricultural, commercial, and manufacturing industry, would be materially benefited. Every article brought to market would be diminished in price—as the expense of repairing roads, the number, and the wear and tear of horses and carriages, would be essentially diminished; and thousands of acres, the produce of which is now wasted in feeding unnecessary horses, would be devoted to the production of food for a population rapidly increasing. By these and other retrenchments, it has been estimated, that the expense annually saved by the public, would equal, if not exceed, the enormous and important sum of

FIVE MILLIONS!

SECTION II.

*Sketch of its Progress in Ireland, under the Statute
Labour System, prior to the year 1765.*

BRITAIN derived considerable advantage from the various arts introduced by the Romans—at least, from the numerous roads that they made in different parts of the country ; which, for a long time, formed the principal lines of communication. In this respect, **IRELAND** may, therefore, be considered as less fortunate, in never having been visited by their victorious legions.

The anarchy and interminable feuds among the petty sovereigns and numerous septs in Ireland, prevented any progress in domestic arts, or attention to internal **POLICE** ; and in such a state of society, the facilities of communication, afforded by good roads, were not to be expected, and were unnecessary, when the most inaccessible situations were selected for strong holds and residences. (14.) “ When Henry II. departed from Ireland, in 1173, he left behind him three distinct races of men—the old Irish ; the East-men or Danes ; and the Norman English : and those several lineages were left under an unhappy system during four centuries and a quarter. The sword was

seldom sheathed; renewed warfare, or perpetual anarchy, domineered, by turns, in a wretched land, till the accession of James I." In the annals of Ireland, for so long and so turbulent a period, we find little of an interesting nature: confused and irregular contests—dissensions of barons—complaints of oppression—and conventions of parliament, without freedom or efficacy, compose the general matter; with repeated symptoms of the precarious state of the English colony.

The English wanted the sagacity and energy of the Roman conquerors, and did not adopt the same effectual methods which they did, to complete and secure their conquests, viz. by making roads through the difficult *passes* of the country; and, of course, they were for centuries only able to maintain firm possession of the territory of the *Pale* around Dublin, and such towns as they had fortified. "When Richard II., in 1399, advanced to attack M'Murrough in his house in the woods, he commanded 2,500 of the country people to cut down the wood, that his way might be made passable, which was then overgrown with trees."—Until the latter period of the reign of Queen Elizabeth, when a more vigorous warfare was carried on against the Irish, by her forces, such strong holds of difficult access were kept by the disaffected, protracting the contest, and rendering the various attempts to subdue them ineffectual. In the reign of Henry VI. little more than the mere county of Dublin, seems to have been exempt from tribute to Irish chieftains. Many parliaments were held, and various laws enacted, with a view to check the evils which were prevalent. The customs exacted by feudal chieftains, for passing through certain districts by such

roads and bridges as then existed, are already noticed in Section I. as being at one period common in Britain, and over all Europe. The state of affairs in Ireland, permitted those impositions to be carried to the greatest extreme. (15.) Hence, in a parliament held at Trim, in 1447, 25th Henry VI. c. 3, it was stated,—

“That many people of this land of Ireland, did take and levy sundry customs of merchants, passing and going with their merchandise through the *king's highways*, against right and reason :”—

Hence it was enacted—

“That no man be so hardy, henceforward, as to take and levy any customs of merchants, or other people, in the *king's highways*, under a penalty of twenty shillings for every penny so taken or levied ; two parts thereof to the king, and the third part to him from whence the said custom shall be taken.”

The 36th of the same reign, in a parliament held at Dublin, in 1458, seems to be the first essential act of Road *police* in Ireland, and similar to that of the 13th of Edward 1. for England, in 1285, as noticed in page 10 ; being intended as much to prevent robbery, as to facilitate travelling. For, saith this act of Henry VI.—

“Whereas now of late there are divers towns and villages laid waste in the land, by the robbery of thieves in the night, by the default of inclosure, stopping, and ditching ; and because many of the said towns being in the *highways*, between markets, &c. and the inhabitants and tenants thereof dare not stop, ditch, or inclose such towns, for fear of *indictments*, so that many towns and villages are laid waste,”

Therefore it was enacted—

“That every tenant and inhabitant of towns and villages, being in *highways*, may, (without any offence to the king or

his ministers,) inclose the same, leaving a sufficient highway for carts and carriages through or near the same, so that people be not interrupted in their passage from market to market, and that said way be not made above 40 perches about : and every man that shall make any *highway*, shall make it on his own land ; and this statute shall be observed as well within franchises and liberties, as without ; and as well against lords of franchises, and their ministers and officers, as against the king."

This, I believe, is the only act relative to the *police* of Roads in Ireland, which occurs, until the time of James I.—a period of 156 years. In the reign of Henry VIII., indeed, Baron Finglass, then Chief Baron of the Exchequer in Ireland, in his curious and interesting "*Breviat of the Getting of Ireland, and of the Decaie of the same, among other causes to be shewed for its Reformatione,*" and control of the country beyond the PALE, mentions, "that the Deputy be eight days in every summer, cutting *PASSES* (16) *of the woods* next adjoining the king's subjects, which shall be thought most "needful." But it does not appear to have passed into a law, being merely the suggestions of one who seems so far to have understood the circumstances of Ireland,—the neglect and remedy.

No effectual Road *police* was established in Ireland before the reign of James I. The accession of this monarch was an event auspicious to the prosperity of Ireland. It had been the object of Elizabeth to subdue Ireland ; but a more difficult task remained for James, to conciliate the inhabitants, to render them amenable to the laws, and to reconcile them to industry. Two-and-twenty years of uninterrupted peace, during his reign, produced the most salutary effects on improvement, while the neighbouring nations

were engaged in warfare; although his peaceableness, (in refusing to embark in a continental war in behalf of his own son-in-law, even at the earnest desire of his people,) has cast an unmerited ridicule on this unwarlike prince.

The attachment of James to favourites, and his conduct towards the unfortunate Sir W. Raleigh, are stains on his character; and one great measure of his reign was productive of lasting and unhappy effects to his country—the settlement of colonies beyond the Atlantic. But his liberal and enlightened conduct towards Ireland, was attended with very different effects—few sovereigns, in the work of legislature, are entitled, in any country, to equal gratitude and applause. Hume says, “James frequently boasted of the management of Ireland, as his master-piece.” He affected to be its legislative restorer; and, certainly, he built on a broad foundation, when he introduced the rule of law, and the energies of colonization.

Of the actual state of Ireland, during the first years of James’ reign, and the active measures pursued for its improvement, much interesting information is to be obtained from the intelligent passages of Sir J. Davis’ *Historical Relations, &c.* The following is from his letter to the Earl of Salisbury, in 1610, giving an account of a circuit through Ulster, &c. “We had “only for our guard,” says he, “six or seven score “foot, and fifty or three score horse, which is an “argument of a good time, and of a confident deputy; “for, in former times, when the state enjoyed the best “peace and security, no lord deputy did ever venture into these parts without an army of eight “hundred or a thousand men.”—“We revived and “enlarged sundry former orders, made for the mend-

"ing of *highways*, clearing passes, &c." This is sufficient to show how imperfect the means of communication through the island must have been; and how much the subsequent acts of James were wanted, viz. the *statute labour system*, which he introduced or regulated. This system, variously modified and altered, continued to be acted upon in Ireland until the year 1765, when the present or PRESENTMENT system was introduced. To trace the Road police of Ireland, prior to that epoch, will form the subject of the present Section.

The act of the 2d and 3d of Philip and Mary, noticed as being the first effort of English legislation for the effectual maintenance of the *highways*, was, in fact, the first establishment of an effectual Road police in Britain, (after the Norman conquest;) and as such was wisely introduced by James into Ireland, in the 14th, 12th, and 13th of his reign—being about sixty years after its introduction into England—subsequent acts of the 5th and 18th of Elizabeth, were included in this act of James. For although it had for a long time been the law, "That of common right, the general charge of repairing all *highways*, lay on the occupiers of the land in the parish wherever they were, unless by prescription, they could throw the burthen on particular persons, by reason of their tenure;" and that the parish might be indicted for neglecting to repair them. Yet it was not incumbent on any particular person or officer to call the parish together, and set them upon this work; and for which reason, by this statute, overseers were ordered to be chosen in every parish. By the 2d and 3d of Philip and Mary, as enacted in Ireland at the time here alluded to, in 1614:—

“ 1. The constables and church-wardens of every parish were, annually, to choose two honest persons of the parish to be overseers of the *highways, kishes, and passes*, in the parish leading to any market-town; and those officers were to direct and order the persons and carriages (that should be appointed for those works,) by their discretion, and to take upon them the execution of this office, under a penalty of £10.—2. The constables and church-wardens were to appoint six days for mending the highways, &c. and to give notice of the same *openly in the church*, on the Sunday before Easter.—3. That every householder, cottager, labourer, (not being a hired servant by the year,) inhabiting the parish, was to attend or send a sufficient labourer for said six days, or forfeit two shillings for every day; and every person keeping a draught or plough in the parish, to send one cart or wain, furnished according to the custom of the country, with horses or oxen, two able men, with tools, &c. for the same time, under forfeit of twenty shillings, and ten shillings for every two men deficient.—4. When carriages were not necessary, overseers might require two able men in room of every carriage, with proper tools—carriages and men to work eight hours each day.—5. Overseers were authorised to carry away small stones and rubbish of quarries lying loose, for the repairs of the highways; or where such were not to be found, to dig and quarry stones, and to put underwood, if necessary, on the owners being paid for the same by the parish, according to the valuation of such overseers: but not in a house, garden, orchard, or meadow; and but one pit in any inclosure, not above ten yards every way, to be stopped and filled up, at the expense of the parish, in a month, under a penalty of £5 to the owner.—6. Springs of water, in the highways, might be turned into the ditches of the adjoining lands.—7. All stags, fences, ditches, trees, and bushes, to be kept low; and all ditches scoured when necessary, adjoining to either side of any fairing, or highway, by the owners, under a penalty of £20 for every default.—8. All persons occupying a ploughland, in several parishes, or

several ploughlands in several parishes, to be charged statute labour for each.—9. No soil was to be cast into the highways; nor any scourings of ditches to be left lying there for more than six months, under a penalty of twelve pence for every load.—10. Judges of Assize of Oyer and Terminer, Justices of the Peace at Sessions, or Stewards of *Leets*, were to inquire, hear, and determine all offences against this statute; assessing such fines and amercements as they might think fit. Surveyors or overseers to levy such fines, &c. and employ them upon the highways, (where the offence was committed,) within one year; and to account for such sums once a year, at the Quarter Sessions, under a penalty of forty shillings for every default.—11. Overseers to be allowed eight pence per pound for all sums so levied; and twelve pence English per pound, for fees, to the Clerk of the Crown and Stewart of *Leets*, for their *estreats* of such fines.”

The 22d of Henry VIII. anent *bridges* being built and repaired by the whole inhabitants of the county in which they lie, as already noticed in page 12, was, for the *first* time, enacted in *Ireland*, by the 10th of Charles I. c. 26, in 1635, (being 104 years later than in England.) By this act—

“ *bridges, causeways, toghers*, (if they be without a city or town corporate) were to be made by the inhabitants of the *shire* or *barony* within which they might be in decay, or thought fit to be newly made. And if within a city or town corporate, (which is a county of itself,) then by the inhabitants of the same: and if within a town corporate that is no county, then by the county or barony as aforesaid; and if part were in one county, and part in another, then the inhabitants of both the counties, were to be chargeable with the repairs of such part as lay within their several limits.—2. Justices of Assize on their circuits, and Justices of the Peace of every shire, city, &c. in their Quarter Sessions respectively, with the assent of the Grand Jury, were to tax every inhabitant, within the limits of their respective commissions, to such sums of money

as they might think sufficient for new building or repairing such *bridges*, &c. and were to cause the names and sums of *every particular person* so-taxed, to be written in an indented roll, one part thereof, under their seals, to be given to the two collectors they were to appoint for every county, barony, &c. who by virtue thereof, were to collect and receive the same, and to distrain those refusing to pay on their lands, chattels, &c.—3. Justices of Assize and Peace, were to appoint two surveyors of the building, or repair of every such *bridge*, &c.; to whom the collectors were to pay the money received by them; both collectors and surveyors were to account at the Quarter Sessions; and, upon refusal, to be committed to prison, without bail, until they did account.—4. Justices of Assize and Peace were to allow said collectors and surveyors such reasonable costs and charges as they thought convenient.”

By the 2d of Anne, c. 6, in 1704—

“Any two justices of the peace might summarily hear and determine all offences contrary to the 11th, 12th, and 13th, of James I.; and to order money so levied to be expended on the highways, accounting for the same at the Quarter Sessions.—2. Any parish neglecting to choose and appoint overseers, were to be prosecuted, by presentment, at the next following Sessions, for such neglect; and overseers to be appointed at such Sessions, with full power.”

By the 2d of Anne, c. 8, for regulating the taking of tolls, it was provided—

“That where any person could before lawfully demand or take any *toll*, for any cattle or goods, driven or carried over any *BRIDGE*, in respect of such person's being obliged, at his own cost and charges, to keep such bridge in repair, and not at any other's; in such case, such person might receive and take such *toll*, for such cattle or goods as he might have done by law, before the passing of this act; but not otherwise.”

The 4th of Anne, c. 6, in 1706—

“Was to prevent the illegal raising of money by Grand Juries, and the misapplication of money legally raised, for the better execution of the acts passed for the amendment of the highways.”

The 8th of Anne, c. 5, in 1710, directed—

“In what cases, and in what time, a *certiorari* might be had to remove indictments or *presentments*, for not repairing a highway or bridge.”

By the 9th of Anne, c. 9, in 1711—

1. “Grand Juries were to ascertain ploughlands or divisions equivalent thereto.—2. The major part of the parishioners might yearly, in Easter week, agree to divide the whole *highways* of the parish to be repaired, in proportion to the land in the occupation of each person; such agreement being reduced to writing, to be imperative on the rest.—3, 4. Parishes having no *highways* through them, Grand Juries might present their statute labour to be employed on the roads of the adjoining parish, provided they did not extend more than two miles beyond the confines of such parish; such presentment to be confirmed by judges of assize, or justices, at Sessions.—5. Where the labourers had not fitting tools for the repair of the highways, &c. two justices might assess the parish, in a sum not exceeding 40s. to purchase tools; those to be kept by the overseers, and not used in any other work.—6. The time of repairing, by the former act, from Easter-day to St. John Baptist’s, was enlarged, by this act, to the 1st of August.—7, 8. Occupiers of land, bounded by *highways* and *kishes*, were, at their own charge, to keep the ditches bounding such roads cleansed and open for the water to pass, and to open passages for the water, through the banks of such ditches: if not done after two days’ notice, the overseers were to employ labourers at the expense of the owners of such ditches; and, if necessary, to distrain for the amount—but was not to extend to ditches

made at the public expense through bogs and *toghers*.—9. Any presentment for raising money for making or repairing any highway, such presentment was to state where such repairs began and ended—the number of perches, plantation measure—the breadth of the causeway or other reparation in said highways not to be less than nine feet—whether the same would be graveled, paved, or raised by ditches, on each side, after the usual manner of *toghers*—to be well graveled or paved on the top, at least, of the aforesaid breadth; it was also to state the sum allowed for each perch, which sums the overseers were, from time to time, to pay over to the labourers and workmen; accounting at the next Quarter Sessions, upon oath, to the Grand Jury, or be committed until such account was made.”

This merits notice, as being the *first* authority to Grand Juries for *presenting* any money towards making or repairing the highways, in addition to the *statute labour*; and shows, that in 1711 the traffic must have been inconsiderable, when *nine* feet wide was considered sufficient to be paved or graveled.

By the 6th of George I. c. 10, in 1720—

“No money was to be raised by the presentment of any Grand Jury, for building, making, or repairing any bridge or public road, without an affidavit of two creditable persons, living in the neighbourhood, having viewed such bridge, or place for such bridge or road, stating that the same was wanted, or out of repair; the number of perches of such road to be made or repaired, to be ascertained in such affidavit.—2. The overseers named in such presentment were to account before the judges of assize (or before the justices of sessions, if in the County of Dublin,) for the whole or any part of the money so collected and applied; if misapplied, to be paid by the person making such misapplication, to the county treasurer, or be committed.—3. The treasurer to account, upon oath, at every assizes, (and for the County

of Dublin, at the *King's Bench*, or Quarter Sessions,) and to make no deduction from any sum paid by him to any person, but such as he shall account for;—neglecting to make up his accounts, to be incapable of serving as treasurer, in the county, and committed to the county gaol, without bail, until he should finally account.”

By 1st George II. c. 3, in 1727—

“Justices of the peace were empowered to grant a warrant for repairing any damage to a bridge, between assizes, which could not be deferred without prejudice to the county—any sum not exceeding £ 5.”

The great exertions made for amending the highways, in England, during the reign of George II. as noticed in Section I. seem to have been extended to Ireland. The following act, of this reign, merits particular notice, from the many important amendments it contained, and as being a revisal of the whole system of Road *police* in Ireland, viz. :—

1st Geo. II. c. 13, also in 1727—

1. “No presentment was to be made for making or repairing any *highways, causeways, kishes, toghers, &c.*; or raising money for the same, unless at the Assizes, (except in the County of Dublin.)—2. If parishioners neglected, at Michaelmas, to name overseers, in a vestry, the Grand Jury at the Quarter Sessions, or if they neglected, the Grand Jury at the next Assizes, might appoint overseers, and apply the *six days' labour*, as the parishioners or overseers ought to have done.”

Under the former acts, overseers appointed by the parishioners, were obliged to officiate not only without any allowance for their trouble, but even under a penalty; and of course it was not to be expected that the *duties* of such a compulsory office would be punctually or diligently attended to; and no al-

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lowance was stipulated for those appointed by the Grand Juries, for expending the money presented for amending the *highways*, &c. in addition to the statute labour. By the 3d section of this act—

“Grand Juries, in any presentment for making or repairing any highway, &c. might appoint some *skilful* person to be the surveyor or director of the work so presented, and in such presentment might appoint such wages, for such surveyor, as they should think meet, not exceeding 2s. 6d. per day, to be raised and paid in such manner as other public county charges; and if more presentments than one were made for the highways, and so near each other that the same surveyor could conveniently attend them, the Grand Jury might appoint the same person to direct the said several roads, so as he had no other salary than for his attending one road only.—4. The parishioners of every parish, in their vestry, when they appointed overseers, in like manner might appoint a director, with the same wages, to be raised as other parish cesses were raised, so as the sum for such director did not exceed 40s. in any one year.”

The general *statute labour* act of Philip and Mary, introduced into Ireland by the 11th, &c. of James I. as noticed before, had been enacted for Ireland without considering the remarkable difference which at that time existed between the circumstances of the two countries—as in how few places in Ireland *wains* or *carts*, with oxen or horses, were to be found. The following clause, therefore, became necessary. In section 5—

“That every person keeping a draft or plough, and so in proportion for every part of a ploughland, draft, or plough, so that it was not less than the one-fourth part, estimating one *car* and horse equal to two men, should be sent at the time and place appointed for amending the highways, &c.—one *cart* with two horses and two men, or two *cars* with *wheels* and

two men; and where *wheel* cars were not used, three *slide* cars and two men, or three horses with *creels* or *elives* and two men, which cars were to be fitted with *baskets* or other conveniences, to carry gravel or other necessities for the repair of the highways, &c. to be approved of by the overseers or director, and were to work eight hours every day during the *six days*, if required; and such cars, &c. were to be deemed sufficient, as if *wains* or *carts* with oxen or horses had been sent, as by the *former statutes*."

By the former statute, every labourer hired by the year was exempted from the *six days'* labour;—but, by the 6th section of this act—

"Every herd, grass-keeper, shepherd, and bailiff, not being a menial servant, living in his master's house, should, by himself or sufficient labourer, perform the *six days'* labour as other cottagers, &c."—

Also, by the former statute, the church-wardens and constables were to appoint the time and place for the *six days'* labour, and to give notice of the same, *openly* in the church,—a procedure not very applicable to a country where comparatively so few attended church, and where very many parishes were without churches. Hence, by the 7th section of this act—

"The overseers named by the parish might appoint the time and place for the statute labour, so that the time was between the 1st of April and 1st of August; and by a writing under their hands, were to direct the constables of the parish to give notice to the several persons accordingly.—8. Constables failing to summon parishioners accordingly, were to forfeit 20s. for every default; and all persons failing to attend such summons, to forfeit 1s. for every day; for every cart and two horses and two men, 4s.; every car and one man 2s.; every three *slide* cars and two men, or three horses with *creels* and two men, 4s.; and so in proportion for every horse and man neglecting to attend, or to be sent, to

such work.—9. Directors or overseers might agree for any certain portion of such work to be done, in lieu of the *six days'* labour.—10. Any overseer or director proving an offence against this act, before any magistrate, within forty-eight hours after the offence being committed, the offender was to be fined, or if not able to pay, committed for 14 days to the house of correction, or to the county gaol.—11. Any overseer or director having due notice or knowledge of any such offence being committed, neglecting to complain within said time, on being convicted before one or more justices, of such neglect, to forfeit 20s. for every offence, to be levied as the other penalties; but proof of such neglect must have been, on oath, within twenty days after the omission.”

Perhaps it was found necessary to *restrict* the power of presenting money for making and repairing highways in aid of the *six days'* labour, to such cases only where that labour was not sufficient; for by the 12th section—

“*All highways, &c. repaired under this or any other act, was to be paved or sufficiently covered with gravel, to the breadth of twelve feet, at least, (instead of nine feet, by the former act of the 9th of Anne,) and no money to be presented for repairing or amending any road, unless it should appear by the oath of two creditable persons that such road could not be repaired before the next assizes, by the six days' labour only; in which case, and not otherwise, they were to present so much money for the doing thereof as should be thought necessary over and above the six days' labour.*—13. If the *six days'* labour of any parish was not presented to be applied to any highway, &c. in such parish, the Grand Jury, at assizes, might present said labour on any other road, so that no person or team was obliged to go more than three miles from their residence.—14. The parish tools were to be kept and repaired at the expense of the parish.—15. Overseers were, at every assizes,

to give an account, in writing, of what highways, &c. had been repaired within their respective parishes or districts, since the preceding assizes—how much in length and breadth—where the same began and ended—in what manner repaired—whether paved or graveled—how many days the director attended—what money was expended thereon, and to whom paid;—of the truth of which account, the overseers were to make affidavit before the judge of assize, there underwritten or annexed.”

The *directors* were appointed to give constant attendance over the workmen employed; but the overseers were continued as a check upon them, and they had still to account for the expenditure.—

16. “The treasurer of the county, at every assizes, was to demand and receive copies of all presentments made, for repairing roads, at that assizes, from the clerk of the crown, without fee or reward, under a penalty of £5; on refusing to pay which, he was to be committed by the next going judge, to the county gaol, without bail, until paid.—17. Treasurers to receive and account on such copies of presentments, and were to take the overseer’s receipt, as a sufficient voucher.—18. No money was to be raised on any presentment, unless at the assizes, the County of Dublin excepted.—19. Any road so much out of repair, by sudden accident, that passengers could not pass without imminent danger, two justices, upon viewing the same, or on sufficient proof, by two substantial persons, might grant a warrant to levy money for the repair of the same, not exceeding 40s.—20. Every county failing to ascertain the word ploughland; &c. by the 9th of Anne, c. 9. the judge of assize was to fine the county £100, and the like fine was to be laid on the county at every summer assizes, until the same was ascertained—the fine was to be estreated into the court of Exchequer, and levied by the usual process, and to be paid to the treasurer of the respective counties, who were to apply the same towards

repairing the highways.—21. *All highways*, in future, were to be, at least, *thirty* feet wide in the clear, exclusive of the ditches, and all roads already inclosed, not twenty-one feet wide in the clear, upon presentment of the Grand Jury, and order of the Judge of Assize, were to be enlarged to that breadth, and the inclosures which hindered the same, were to be thrown down, and abated by the Sheriff of the county as a *nuisance*, if it did appear to such Grand Jury, by the oath of two substantial persons, at least, that such roads were not twenty-one feet wide in the clear. But the person whose inclosure was to be thrown down, was to have due notice of such presentment, and a copy thereof, within six weeks after the same was made; and that such presentment was not to be confirmed until the ensuing assizes, after such notice had been given.—22, 23. Any person changing or altering any public road, without being authorised by law, should, on complaint and proof thereof, before the judge of assize, forfeit £5, provided such person should have six days' notice, in writing, of such intended complaint, to be personally given or left at his dwelling-house. This, and all other fines, penalties, and forfeitures, under this act, (except the £100 on the several counties,) were not to be estreated into the *Exchequer*; but when levied, to be paid to the treasurer of the proper county, and to be applied for repairing the highways, &c.—24–27. The clerk of the crown, at the end of every assizes, was to make an *estreat* of all such *fines*, &c. and keep the same among the records of the county.—This act was to be once publicly read at two assizes, and at four quarter sessions.—28, 29. The Grand Juries of the county of Galway, and the county of the town of Galway, might apply the statute labour of parishes which had no highways through them, and adjacent to the *rivers* and *lakes* of that county, in amending and repairing the banks of said rivers, and removing and carrying away such stones, stumps, and rubbish, as annoyed or obstructed their navigation, and they might appoint a director as aforesaid. Said Grand Juries might order four men instead

of every two cars, two horses, and two men ; and so in proportion for any less number.—30. *Millstones* not to be drawn on any highway, so as to touch the same, under a penalty of five shillings, towards repairing the public roads."

It was remarked in Section I, that **TURNPIKES** were introduced into England in the reign of Charles II. about 1660, and into Scotland, about 1751, from the statute labour being found inadequate in both countries. We have just seen, that by the 9th of Anne, in 1711, Grand Juries in Ireland were allowed to present money towards making and repairing the highways, in *addition* to the *statute labour* ; yet, in 1730, both were found inadequate, as it was considered proper to introduce turnpikes in aid of them, being about seventy years later than their introduction into England, and twenty before they were adopted in Scotland. For the 3d of George II. c. 18, appears to have been the *first* turnpike act enacted for **IRELAND**, being for the repair of the road from Dublin to Kilcullen-bridge ; but the tolls authorised to be levied under this act were not alone considered sufficient for keeping it in repair—for two days of the statute labour, in each parish through which this road passed, were ordered to be expended on it also. If the majority of the trustees adjudged the road to be sufficiently repaired, within the term of twenty-one years, the tolls were to cease. By the 7th Geo. II. in 1734, the tolls were raised, and instructions given to the trustees how to proceed and pay £7,000, and the interest which had been borrowed toward its improvement ; and before the additional twenty-one years were expired, if the justices of the peace of the counties of Dublin and Kildare, in sessions, were to adjudge the road to be sufficiently repaired, the tolls

were to cease after paying that sum. It is unnecessary in this place to notice the intention and stipulations of the subsequent turnpike acts, as the present Section is devoted to the consideration of the statute labour system alone; any further remarks on the turnpike system in Ireland will be given in the Appendix. (17.)

By the 13th Geo. II. c. 10, in 1740, sect. 2—4—

“The Grand Jury of any county, at the assizes, on the request of any person, by presentment, in which such person's name should be expressed, might point out and ascertain the lands and places where any *new road* might be carried, in as direct a line as possible, of statutable breadth, from any market town to another in the same county, or as far as the county extended, towards any such town in the next county; but no part of said new road was to be carried through any garden, orchard, yard, planted walk, or avenue to any house. The owner or occupier of such land, through which such road was to be carried, might traverse such presentment—the traverse to be tried at the next assizes, without good cause to the contrary; and the jury trying the same, were to assess fitting recompense to the owner or occupier for their interests therein, to be paid by the person or persons requesting such presentment; on paying of which to the traverser, or lodging the same with the county treasurer, for his use, such person might enter on such work, and perfect the same without interruption of said owners or occupiers, or of any other whatsoever.—3. Proprietors of boggy, low, or marshy lands, through which public roads were made, (except turnpike roads) were, every third year, to scur the trenches of such roads, so that the water might run off freely: on their neglecting to do so, two justices were to give them proper notice; and if not done in six months after such notice, they were, by warrant, to order the overseers of the parish to have the trenches effectually scoured, and levy the expense from

the proprietors, being allowed two shillings and six-pence per day for attending to said work.—6. Any person might remove any dung or filth found in the highway, for their own use.—7, 8. All hedges growing on the sides of highways (except turnpike roads) were to be cut or clipped to a height not exceeding five feet, by the owners thereof, (except for gardens, orchards, nurseries, and hop-yards;) on their neglecting to do so, after fourteen days' notice, in writing, under the hands of the overseers of the parish, between the twenty-ninth of September and twentieth of February in each year, to be cut at their expense, and the money levied by the warrant of a justice. Any overseer neglecting his duty therein, to forfeit 10s. for every neglect, which might be recovered by any person suing for the same.—9. Provided for the more effectual prevention or misapplication of the public money, and the recovery of the *arrears* due by collectors, receivers, overseers of highways and other public works."

By the 33d of George II. c. 8, in 1760, sect. 1—

"One hundred acres, in the county books or estimate, should be considered for applotting presentments, a ploughland till ascertained by 9th of Anne, c. 9.—2. Labourers (liable by the former acts) were not to be compelled to give statute labour without hire, and only to be charged such labour for the land they might hold.—3. The time for overseers complaint, pursuant to 1st George III., was enlarged from forty-eight hours, by 1st George II., to ten days.—4. When an agreement to do any portion of road work, in lieu of the six days' labour, was not fulfilled in ten days from the time of such agreement, the overseers were to complete it, or prosecute the offenders for the expense.—5. Two justices might appoint overseers, in default of the parishioners and Grand Jury making such appointment.—6. Grand Juries might present three pence per perch, as overseers' wages.—7. Two justices might summons overseers for neglect; and on proof or refusal, might fine them, not exceeding £3, to be laid out on the parish roads.—9. Presentments

for repairing roads, on the oath of two honest persons, stating where the same began and ended, the number of perches, and rate per perch, might be laid on the *baronies* through which they passed.—10, 11. No wall, cabin, or ditch, were to be nearer the centre of any road than fifteen feet. Two justices might order old roads to be widened to twenty-one feet, unless confined by walls of five feet high, built of lime, stone, or bricks, by presentment, on the barony. Affidavits for widening old roads twenty-one feet, to be stoned or graveled fourteen feet wide, and *new* roads to be thirty feet wide in the clear, and fourteen feet of said width stoned or graveled.—12. Persons laying dung, scraping gravel, &c. on the highways, on conviction, might be fined, not exceeding £3, to be laid out on the roads—or abating nuisances, accounted for as presentments.—13. Overseers might be continued, but not compelled to officiate, above one year in six.—14. If on the oath of two persons at the assizes in a year after any *Quere* was discharged, it appeared that the court had been deceived, process might issue as if the *Quere* had never been answered.—15. No presentment for roads was to be made any longer at sessions for the county of Dublin.”

It was stated in this act, that one great cause of the decay of the highways in this kingdom, was occasioned by the very narrow wheels of cars, carts, &c. and the setting on the iron streaks of the same with sprigs and high-headed nails, as had been formerly prohibited (by the 29th George II. c. 13,) on all roads within seven miles of the tholsel in Dublin.

By the 16th, 17th, 18th, and 19th of this act—

“ No cart, &c. were to be used on the highways, with wheels under three inches broad at bottom, or the iron fastened on such wheels with sprigs in place of broad-headed nails, under a penalty of 40s. to the informer.”

Thus, at the risk of being thought unnecessarily tedious, I have endeavoured to furnish the reader with

a summary of the principal legislative acts under the six days, or statute labour, in Ireland—those of minor importance, are noticed in the Appendix. (18.)

Before concluding this Section, however, I shall briefly enumerate the leading features of the details which have been given in it, and point out some circumstances which rendered the *statute labour system* in Ireland still more inefficient than in Great Britain.

The distracted state of Ireland, until the beginning of the last century, from the renewed contests between the English colonists and the natives, as well as the perpetual trouble occasioned by the interminable feuds of their own numerous septs, sufficiently accounts for the little attention bestowed on the regulation of internal policy, until so late a period. The early acts of the Irish parliaments, relative to the *police* of roads, as mentioned in page 39, like those of a still earlier date in Britain, were more particularly intended to protect travellers from oppressive enactments, and frequent robberies, than to improve the condition of the roads, which must have been then very founderaus.

The act of Henry VI. in 1458, while it provided for the defence of towns and villages, certainly stipulated that the highways should not thereby be interrupted or incommoded; but those acts were only intended to apply to the circumscribed district of the PALE, as other acts of the same date absurdly interdicted all correspondence between its liege subjects and the natives beyond it. The ideas of Baron Finglass seem to have been somewhat more liberal in suggesting that the deputy should annually “cut

“*PASSES of the woods,*” in order to preserve and facilitate the communications with the more remote parts of the island.

But the acts of James I. are the first which merit particular notice; however imperfect the conduct of this monarch in some respects may have been.—As applied to Ireland, it is entitled to the highest praise; even had he effected no more for its improvement, than the introduction or regulation of an efficient *Road police*, although the circumstances of the country were not sufficiently adverted to in his acts, perhaps, because they were imperfectly known. The act of Charles I. relative to the building and repairing of *BRIDGES*, &c. was also of great importance. The acts of Queen Anne are not less numerous than dissimilar in tendency; while some of them have been considered, by many, as a disgrace to the statute book, and the age in which they were enacted; there are many more by no means entitled to the same censure—of such are the numerous acts of her reign, relative to the *Road police* of Ireland; as the amendment of the highways of any country must, to a certainty, be ultimately productive of the most important and lasting advantages. The same important concern was not forgotten during the reign of George I.; and it is worthy of remark, that in the *first* year of the reign of George II. the whole system of *Road police* in Ireland was revised; and besides being more particularly adapted to the peculiar circumstances of the country, received several important additions. In the third year of the same reign, *TURNPIKES* were first introduced, about seventy years later than their introduction into England, and twenty before they were adopted in Scotland. By the 13th, 33d,

&c. of George II. the *statute labour system*, in Ireland, was still further amended.

The most prominent feature in the original statute labour system of Philip and Mary, as enacted for Ireland by James, in 1614, was the appointment of overseers to direct the *six days'* work. They were to be chosen annually by the constables and church-wardens of the parish, and were obliged to execute the office under a penalty of £10—they were empowered to obtain materials, and to enforce the acts for the amendment and preservation of the highways, and allowed eight pence in the pound for all fines they levied, and accounted for at the sessions.—By the 2d of Anne, parishes might be indicted for not appointing overseers, who were in such cases to be appointed at the sessions.—By the 1st Geo. II. if they were neglected to be appointed at the sessions, the Grand Jury, at the next assizes, were to do so; and by the same act, the vestry might appoint a director or surveyor, with wages, so as not to exceed 40s. for each, annually. But the overseers were still to account at the assizes, and report on the attendance of such director, and on the state of the highways within their respective districts; and obliged, under penalties, to take cognizance of all offences and nuisances which came within their knowledge.—By the 33d George II. in default of both parishioners and Grand Juries appointing overseers, two justices might make such appointment, and might summons and fine them for neglect of duty, and the overseers might be continued, but not compelled, to officiate above one year in six. The constables and church-wardens were also at first to appoint the *six days*, and give notice of the same *openly* in the

church.—By the 1st George II. the overseers were to appoint the time and place for the statute labour, and the constables were to give personal notice to the persons liable. Every person, not being an hired servant by the year, was liable to statute labour by the original act; but herdsmen, &c. were afterwards made liable.—By the 33d of George II. all labourers were again exempted, unless for such lands as they might occupy.—By the 9th of Anne, a majority of the parishioners might agree to divide the repairs of the highways.—By the 1st of George II. a portion of work might be agreed for in *lieu* of the *six days'* work—and by the 33d, when such portion was not performed, the overseers were to complete it at the expense of the offenders. All offences against these acts were to be determined by the judge of assize, justices at sessions, or stewards of *Leets*.—But by the 2d of Anne, any two justices of the peace might summarily hear and determine all such offences—all fines levied, to be employed on the highways. Those acts contained provisions for the preservation of the highways—to clear them of water, cutting hedges, &c. Provision was also made for the *six days'* labour of such parishes as had no highways through them; of which there seems to have been many. When labourers had not proper tools, they were to be provided and kept in repair at the expense of the parish, for the statute labour only. The judges of assize, or justices of the sessions, with the consent of the Grand Jury, were to tax every inhabitant within their respective commissions for the expense of building and repairing *bridges, causeways, tighers, &c.*, and appoint two surveyors of the building, &c. and also collectors of such tax—both of whom were to be

allowed reasonable costs and charges for ~~their~~ trouble. By the 9th of Anne, in 1711, the statute labour system seems to have been first considered inadequate to the sufficient repair of the highways; as, by this act, presentments might be made for raising money as well to repair them as bridges, &c. of the county at large: such presentment was to state the length and breadth to be repaired, also the sum required per perch; the overseers to pay the labourers employed, and to account at the next quarter sessions.—By the 6th of George I. no money was to be raised for building, making, or repairing any bridge or public road, without an affidavit of two creditable persons, who had viewed the same, and vouched for the necessity thereof, and the quantity of work requisite; and the overseers were to account at the assizes instead of the sessions, (except in the county of Dublin; but by the 83d of George II. such presentments were restricted to the assizes in this county also,) for the whole or any part of the money collected and applied.—By the 1st of George II. Grand Juries, in making such presentments, were to appoint some *skilful* person to be surveyor and director of the work so presented, with wages, not exceeding 2s. 6d. per day; for which they were to direct the works of as many different presentments as possible.

The power of presenting money for repairing or amending any road, was restricted to such cases as appeared by the oath of two creditable persons could not be repaired before the next assizes, by the *six days'* labour, and not otherwise; and the money presented to be only what was requisite over and above that labour, and the overseers were to account at the assizes, in place of the sessions, and to

give a particular account, in writing, of the highways, &c. as in page 52. By the 33d of George II. Grand Juries might present three pence per perch as overseer's wages; and presentments for repairing roads might be raised off the baronies through which they passed, if they stated on the oath of two honest persons the number of perches, where they began and ended, and the rate per perch. In order to facilitate and equalize the levying of the county tax, by the 9th of Anne, Grand Juries were to determine ploughlands, or divisions equivalent thereto: but if not ascertained, then by the 1st of George II. the counties were to be fined £100 at every assizes, until determined. By the 33d of the same reign, one hundred acres were to be considered equivalent, until otherwise established. Justices, of certain qualifications, were empowered to levy £5 for the casual repairs of bridges, and £2 for the same of roads, when such repairs could not be deferred to the assizes, without great loss to the county.

No breadth was specified for the repair of roads by the *six days'* labour act; but when presentments were granted for that purpose, in aid of such labour, *nine* feet wide was to be paved or graveled, which was enlarged to twelve feet, by the 1st of George II.; and by the same act, *all highways*, in future, were to be at least thirty feet wide in the clear, and all roads not already twenty-one feet, were to be enlarged to that breadth, by order of the judge of assize. By the 35d, two justices might grant such order—such roads to be stoned or graveled fourteen feet, at least. The ancient act of Henry II., page 39, stipulated, that every man making a *highway*, should make it on his own land. By the 13th

of George II. in 1740, Grand Juries, at assizes, might present any new road of statute breadth—to be ascertained and pointed out at the request of any person whose name should be inserted in such presentment; but the owners or occupiers of the lands, through which it would pass, might traverse such presentment for damages, which were to be awarded by a jury, and to be *paid by the person requesting such new road*. Under the statute labour system, there was no proper provision for opening and extending new lines for general accommodation; and this was one of its most material defects, as well as not providing for the increased expense of such new lines, and of the additional traffic on the former lines; although it ought to have been very obvious, that roads, &c. would require various degrees of expense in the different periods of society; for, as Adam Smith has remarked, “it is evident, without any proof, that the expense of making and maintaining the public roads of any country, must evidently increase with the annual produce of the land and labour of that country, or with the quantity and weight of the goods which it becomes necessary to fetch and carry upon those roads. The strength of a bridge must be suited to the number and weight of the carriages which are likely to pass over it; in the same manner that the depth and supply of water for a navigable canal must be proportioned to the number and tonnage of the lighters which are likely to carry goods upon it.”

The *statute labour systems* in Great Britain and Ireland were originally nearly the same in every particular; but, by comparing this epitome of that system in Ireland, as subsequently altered and

amended, with the view of the same system given in Section I. either at the same periods, or as now regulated in Great Britain, the remarkable difference will be ascertained; they had, in fact, become almost entirely dissimilar. The systems in both islands being derived from the same origin, partook of the same inherent defects. The insufficiency of the system in England was ascertained in the reign of Charles II., when turnpikes were first introduced, and in Ireland about half a century after, when Grand Juries were authorised to grant presentments in aid of the *six days'* work, perhaps, because the traffic of the country was too inconsiderable to render the introduction of turnpikes advisable; for when they were partially introduced, twenty years after, the tolls were not considered alone sufficient to make the necessary improvements, two days out of the six being allotted to assist in the repairs of those roads on which turnpikes were erected. Some turnpikes were afterwards erected merely in aid of the statute labour, as that from Dublin to Malahide, &c.

That the statute labour system was even still more inadequate to the intended purpose in Ireland than in Great Britain, is sufficiently evident from the circumstance of the Grand Jury *aids*, &c. granted for the maintenance of the highways. Why it was so much more deficient, many reasons might be assigned:—I shall confine my remarks to a few.

TURNPIKES being adopted in England about a century earlier than in Ireland, not only introduced a better system of road making, but also rendered the statute labour more adequate to the maintenance of the other roads of the country, which had not turnpikes. We have seen that in those districts

where the traffic was not sufficient to yield tolls to liquidate the money expended in improving the old, or in opening new, lines, the spirited exertions and outlay of the proprietors of estates supplied the deficiency. The more general want of traffic on the roads in Ireland, the greater want of capital; and, the proprietors rarely thinking of expending money in so seemingly a circuitous manner, for the improvement of their estates, occasioned the turnpikes in Ireland to be more imperfect, and less extended, in proportion, than they were in Britain. For the imperfect state of the turnpike roads in Ireland, so long complained of, was frequently as much owing to the unproductive tolls, as to the misconduct of the trusts; and, of course, the subsequent improvement of such roads may be attributed to the increased traffic of the country.

The statute labour, as arranged by the act of Philip and Mary, in England, was intended, and certainly proved, of benefit to the parishioners; good roads being the means and foundation of all rural improvement; and with this view, it was wisely introduced by James, in his great anxiety and care to better the circumstances of Ireland. But as men do not always see and appreciate what is ultimately for their own advantage, and as legislative enactments of this kind were then, and still are, too frequently considered more or less a burthen in this country, the compulsory labour for the maintenance of the highways was given with reluctance, and, of course, negligently performed; so that the same labour, employed in any other way, would, in most cases, have performed a much greater quantity of work. Persons, whose indolence and want of spirit for im-

improvement would scarcely induce them to take the trouble of making a new road for the individual convenience of their own farms, could not be expected cheerfully to perform the task for the mutual accommodation of others.

By the original act of the 11th, 22d. of James I. servants hired by the year were exempted from the statute labour, the great number of herdsmen and others living separate from their employers, who thereby evaded the law, occasioned a subsequent act, to limit the distinction.—By the 33d of George II., all labourers were exempted, unless for what lands they might hold. From the great number of cottiers throughout the kingdom, and the mixed kind of service and wages they received, it was easy for them to evade even the portion of such labour to which they were liable by the intention of the act. Those who have observed the performance of statute labour in Britain, may easily conceive what it must have been in Ireland. There was no trick, evasion, or idleness, deemed too mean to avoid working on the roads; sometimes the worst horses were sent, at others, a broken car, or a boy, or an old man past labour, to fill; they were sometimes sent an hour or two too late in the morning, or they left off much sooner than the proper time, unless the overseers or directors watched the whole day; for a long time the former were compelled to superintend without any remuneration, and the wages, afterwards allowed to the latter, were not sufficient to excite exertion, when avoidable. It is true, that redress might have been had, by application to a magistrate; but then how numerous were the causes for complaint which occurred? and how many days must have been lost

to bring each complaint home to the offender? who, no doubt, from custom, thought they were doing no great harm; besides, the constant breach of good-neighbourhood that must have been occasioned by such petty litigations; not to mention the dreadful risk of retaliation in a country where causes of offence, either real or imagined, are, even to the present time, unhappily revenged.

The very facility of obtaining aid by Grand Jury presentments would tend to render the *six days'* labour less effective in some respects, because less exertion would be used to employ it to the greatest advantage, when the individuals were likely to gain by the deficiency.

Another, and perhaps a still more extensive reason, for the statute labour system in Ireland being more deficient than in Great Britain remains to be mentioned, and merits particular notice, as it leads to some important inferences, and may tend to confirm some of my subsequent remarks in these Strictures, viz.:—That although labour, particularly in husbandry, &c. is *low priced* in Ireland, yet it is by no means *cheap*. I can only recollect one writer on the affairs of Ireland, who seems to have had discernment to discover this *truism*; for its not being sufficiently adverted to by speculators on the comparative circumstances of Great Britain and Ireland, has occasioned their falling into the grossest mistakes, and forming the most erroneous conclusions; but whoever has had occasion to employ labourers, or superintend works, in both countries, must have been experimentally convinced of the correctness of this fact. I am thoroughly assured of it from very satisfactory data, and have found the same confirmed by

others, who have enjoyed the like experience.—Arthur Young, the writer just alluded to, (and I know none to whom Ireland is really under greater obligations,) from his observations, which were extensive, and his experience, while superintending improvements on a large estate in the South of Ireland, found “that 2s. per day, in the County of Suffolk, in England, was, in fact, cheaper than 6d. in the County of Cork;” and he pertinently adds “if an *Huron* would dig for 2d. I have little doubt but it would be dearer than the Irishman’s 6d.”

Even at this distance of time, (for it is forty years since he published his work on Ireland,) and although the circumstances of the country have, meantime, undergone a very great and obvious change, in many respects for the better. In most districts, particularly in Ulster, a very remarkable improvement has taken place in the habits of industry, and in the construction of cars, carts, and other implements; yet, from many years’ experience and observation in this, and in other provinces, I can bear testimony to the correctness of his statements.

I am far from being insensible to the valuable qualities which the Irish labourers possess; like every other people in a similar situation, their virtues and vices approach extremes; but as to diligence and dexterity in performing their task, they are very deficient; and, indeed, their circumstances, when compared with those of the same class in Britain, prevent their performing the same quantity of work with the same ease to themselves. Their food is far from being so substantial, or regularly received; they are, however, capable of great occasional exertion, but often adopt what appears, at first view,

the readiest mode of performing work, without stopping to reflect and discriminate if it will also ultimately prove the most effectual. The poverty, or rather the want of steady and systematic economy, prevents their having the proper implements, and without them they must always perform their work imperfectly. With regard to the making and repairing roads, nothing tends so much to augment the expense, as the imperfect carriages employed in removing the materials, which, indeed, in many districts, seem to have undergone considerable improvement since Young drew his sketch, in 1776. "All land carriage," said he, "is performed by one-horse carts or cars; those of the poor people, are wretched things, formed with a view to cheapness alone; and the loads they carry on them, when working by the day, are such as an Englishman would be ashamed to take in a wheel-barrow; yet they suffer their horses to walk so slow with their burthens, that, I am confident, work of this sort done by hire, is five hundred per cent. dearer than in England. Even when they work for themselves, their loads are contemptible, and not equal to what their garrons, miserable as they are, would draw: car-horses which work regularly in carrying to and from Dublin, do better; the common load is from six to ten hundred weight, each; which, considering the horses, is very well; (eighteen hundred weight has been often carried from Slane Mills.) The lowness of the wheels suits a mountainous country; but if there be any truth in the mechanic powers, it is in general a great disadvantage to the animal: great numbers of their cars consist only of a flat bottom over the axletree, on which a few

“sacks, logs, or stones, may be laid, or a little gravel
 “in the centre: others have side boards, and some,
 “baskets fixed.” The occupiers of land in Ireland,
 at the time the statute labour system was superseded,
 must have been still worse supplied with teams and
 implements; if these remarks are correct, it follows,
 that from turnpikes being less general in Ireland, and
 the teams, implements, &c. of the occupiers of the
 soil being more imperfect, the statute labour system
 must have been, even with all its amendments, more
 inadequate to keep the roads in repair than in Great
 Britain. Indeed, had it not been that the internal
 traffic was less, the *vehicles* of carriage lighter, and
 road materials in greater abundance, the case would
 certainly have been still more against Ireland than it
 was. And hence the great and important advan-
 tages which have resulted from the introduction of
 the present or PRESENTMENT system, as detailed in
 the following Section.

SECTION III.

*Sketch of the Progress of the Present or PRESENT-
MENT System in Ireland.*

"**FOR** a country so very far behind us as IRELAND," said Arthur Young, "to have got suddenly, so much the start of us in the article of roads, is a spectacle that cannot fail to strike the British traveller exceedingly."—But this he said some forty years ago. The roads in Britain, although still defective, have been, meantime, greatly improved, and the **TURNPIKES** in Ireland, which he in general excluded from this commendation, being then as bad as the *bye* or *cross* roads were admirable; the tolls of the turnpikes he considered as so many jobs, and the roads left in a state that disgraced the kingdom—have since been greatly amended. It is true, the conduct of some trusts is still very reprehensible; yet, in general, the *turnpike* roads in Ireland are kept in good repair; several in a style not excelled in any other country; but the roads in Ireland, of every description, are still greatly superior to those in Britain; and although this superiority may be attributed to various causes, many of which have been little adverted to, the improved system of *Road police*, adopted in this king-

dom, is not the least considerable, and is, perhaps, one of the few instances in which her police or public arrangements are superior to those of the sister kingdoms.

I believe it was chiefly owing to the spirited exertions of Arthur French, Esq. of Monivea, in the county of Galway, that the measure for superseding the former *six days* or *statute labour* system by the introduction of the present or PRESENTMENT system, was first brought into the Irish parliament. “Ireland, and every traveller who visits it, ought, to the latest posterity, to revere the memory of such a distinguished benefactor to the public” *—to whom this kingdom is indebted for the first introduction of a system of Road *police*, in many particulars superior to that of any other country in modern times; before which, the roads in Ireland, like most of the cross roads in Britain at the present time, remained almost impassable under the miserable *police* of the *six days* labour, which, as remarked in the last Section, was even still more inefficient than in Britain.

The PRESENTMENT system, which has now been in force in Ireland for more than half a century, deserves particular consideration, in order to appreciate its merits, and decry its defects. Numerous acts of parliament have been passed with a view to the improvement and amendment of this system—I believe no fewer than *twenty-four*, of which seventeen were passed before the Union, and seven by the Imperial Parliament; beside those for turnpike roads, paving, and other urban improvements. Between the 5th of George III., in 1765, and the 36th, c. 55, of the same reign, in 1796, a period of thirty-one years, twelve of

* Arthur Young's Tour in Ireland.

such acts have been passed—those I shall only briefly notice in this place, as they were mostly repealed by the latter act, (viz. 36th, c. 55, of his present Majesty,) or incorporated into it, which is to be chiefly considered as the present system—the subsequent acts merely as additions or amendments; and in order to avoid confusion, those acts which relate to the Poor Road system will be treated of in the next Section. The 57th George III. c. 107, passed in the last session, July, 1817, will also be treated of in a separate Section, (as it is not in force until November, 1817,) in order to inquire more minutely into its details.

The preamble of 5th George III. c. 14, in 1765, states, that “whereas difficulties had arisen from the multiplicity of the laws which had been made for the amendment of the highways and roads of this kingdom, it was found expedient to repeal the same, and to make a new act, containing all the parts of such laws as had proved effectual, and were proper to be continued, with such additions and amendments as were contained in this act;”—by which all the former acts from 11th of James I. in 1614, to 3d of George III. c. 8, in 1763, inclusive, were repealed, and by which the statute labour or *six days’* system was superseded. By this act of 5th George III. c. 14, the making and repair of roads might be laid on the baronies, and overseers allowed 3d. per perch, as wages—no presentment was to be allowed, unless by the prescribed form of affidavit—old roads were to be widened to twenty-one feet in the clear—maps of intended new roads were to be left with the clerk of the crown, and kept among the records of the county—such roads were not to be

taken through any deer-park, or field enclosed with a wall of stone and lime, or brick, or through any house, office, garden, or orchard of six years' growth, belonging to any person inhabiting a house so built, without the consent of the owners—and that notice had been posted on the door of the county court-house seven days previous to the assizes—the damages were to be laid on the county at large, or the barony, as the Grand Jury might think best.—Is. per perch to be allowed for fences, to be laid on the barony or baronial divisions—foot-paths, with stiles three feet wide, to be made within six miles of Dublin, and levied on the county at large—Grand Juries might present any old road to be shut up—bridges, walls, &c. to be laid on the county at large, on the affidavit of two credible masons—all sums presented, and not accounted for within a reasonable time, were to be represented for some other work—any person having a ferry, might erect and support a bridge at such ferry, and levy the same tolls, but was not to extend to cities or corporate towns—collectors were to be allowed 6d. per pound for collecting the public money—overseers might take materials for making or repairing roads or bridges, on the same being valued by two substantial householders mutually chosen—ditches of roads were to be scooped, and hedges by the sides of roads to be cut or clipped to a height not exceeding five feet—branches of forest trees overhanging, or within sixteen feet of the centre of any road, to be lopped; if not done by the occupiers after ten days' notice, (if between the 1st of September and the 1st of June,) to be done by the road director at their expense—no house was to be built within twenty-five feet of the centre of any road—

various nuisances were specified and prohibited, under a penalty—parish vestries, except in the cities of Dublin and Cork, might present and assess the inhabitants respectively for the paving, graveling, or cleaning of the streets and lanes through the parish, and appoint overseers with 2s. per day for wages, and 1s. per pound to the collectors for applotting and levying the same—every voter at such vestries was to be worth £100—no carriages were to be used on the public roads with narrow wheels, or with the iron streaks fastened with high-headed nails, under a penalty of 10s. and double toll and custom at all turnpikes, &c.—those with broad wheels, &c. as specified in this act, to pay half toll only.

By the 10th of George III. c. 9, it was stated, that “whereas in many of the parishes of *Ulster*, the roads could not, without great expense and waste of ground, be made of the breadth required by 5th of George III. and ought, nevertheless, to be kept in proper repair—a majority of the Protestant inhabitants, in vestry, might present for such repairs” not less than 1d. nor more than 2d. per acre, choosing overseers, who were to be allowed 1s. 6d. per day, and 1s. per pound for the *directors* of such work, and the same to the collectors for applotting and levying the money. The collectors were to pay the money so levied to the directors, who were to pay the same to the overseers in such shares, and at such times, as they should think proper, accounting for the same, on oath, at the vestries—every voter, at such vestries, was to be worth £20. In parishes or unions where no vestries were held, and no such presentments made, the *six days’* labour was to be in force, although formerly repealed by 5th of George III. c. 14.

The 11th and 12th of this reign, c. 20, stated, that "there were in several parts of the kingdom extensive tracts of land of a mountainous nature, and in a rude and uncultivated state, and that it would greatly contribute to the improvement thereof, if roads were made through the same, and yet, that from the nature of the country, it would, in some cases, be impracticable, from the poverty of the few inhabitants therein, and would generally be inexpedient and unnecessary to be at the expense of making such wide roads therein, as were proper in other parts differently circumstanced; and whereas in the laws then in force, there was no provision made for making or repairing such *narrow* roads as were suitable to the situation and circumstances of such mountainous tracts of land." Grand Juries might present on the barony for such narrow roads of such breadth, with stone or gravel, as they should consider suited to the nature of the place, with 3d. per perch as overseer's wages; but no presentment was allowed for fences to such narrow roads.

By the 13th and 14th of George III. c. 32, "it was found necessary that some alteration should be made on the preceding laws for the amendment of the public roads, and to avoid the confusion which might arise from a multiplicity of acts of parliament relative to the same subject, it was therefore considered expedient to repeal and re-model the 5th of George III. c. 14."

But the only material amendments enacted by this law were the following, viz.—That all roads not twenty-one feet wide, might be widened, not exceeding thirty-one feet—new roads might be laid out, not only from market-town to market-town, but also from any

market-town to the sea, and 1s. per perch for fences, to be levied on the barony—all maps of new roads were, in future, to be deposited twenty-one days before the assizes with the treasurer of the county, and notice given to the occupiers of the land through which such new roads were to pass, twenty-one days also before assizes; and a similar notice was to be posted on the county court-house door seven days before the assizes—the damages were to be laid on the county or barony—directors of parish roads were to be allowed 2s. per day when employed, and none to vote at vestries unless worth £100 in the parish—no carts, &c. were to be used on the public roads, with wheels less than three inches broad, and the irons not to be fastened on with sprigs and high-headed nails, under a penalty of 5s. 5d. to the seizer; and all toll collectors were obliged to make such pay double toll on all turnpikes, under a penalty of £5; and gate-keepers, under a penalty of 20s.—bridges, pipes, and gulleys were to be laid on the county at large, and a plan and estimate was to be annexed to the presentment—if above £100, two-thirds might be paid for part of the work done, on security being given to finish the remainder—no materials were to be taken from any sea-beach which formed a public road or bulwark, under a penalty of 5s. for every load—collectors to be allowed 9d. per pound—the clerk of the crown was in four days after the assizes, to furnish the county treasurer with copies of presentments, and discharged queries signed; under a penalty of £5—the treasurer, in ten days, was to give copies of such presentments to the overseers—all presentments might be traversed at the same or succeeding assizes, on entry in the crown-book, if sufficient

in substance, though not in form—overseers might raise materials and make drains, (but not through any deer-park, garden, orchard, haggard, or planted walk to the mansion-house of any person, without satisfying the owners or occupiers,) on the damage being assessed by three householders, one chosen by each, and a justice—appraiser's estimate to be sworn before two justices, and to be laid before the next Grand Jury, who might present any sum not exceeding the estimate, on the county at large—all nuisances were to be removed from within twenty feet of the centre of public roads, or drains to be made where the water was obstructed by passes into any lands, within forty-eight hours after notice, under a penalty of 20s.—no house was to be built within twenty-five feet of the centre of any road—ls. to be allowed for making foot-paths and stiles three feet wide, to be laid on the barony, if with the consent of the occupiers of the land—collectors of *Ulster* vestries refusing to account, were to be summoned before justices worth £300 a-year.

The county of Dublin had been exempted in all the preceding acts, and it therefore became necessary to frame an act expressly for it, which was done by c. 34, of 15th and 14th of George III.

By the 19th and 20th, in 1790, of same reign, Grand Juries at assizes might present that turnpike trustees should repair such roads where the same were neglected to be repaired. By c. 4, of same year, they might present bridges to be built without expense to the county, and fix the tolls for defraying the expense. See Appendix. (17).

By c. 40, they might contract for the repair of roads for seven years, at 3d. per perch, annually, except for *Antrim*, where 9d. might be allowed.

By c. 44, the act for the county of Dublin was amended.

By the 23d and 24th, c. 42, various clauses in the form of presenting and accounting affidavits were altered; and persons pulling down the battlements of bridges were made liable to a penalty of £5.—£150 for every 50,000 acres might be allowed for a county map and survey, and £10 for a map of each barony on a scale twice as large as that of the county—all affidavits for presentments were to be lodged six days before the assizes with the secretary to the Grand Jury, a schedule of which was to be left with the foreman, a copy posted on the door of the county court-house, one given to the judge of assize, and another kept in his own office four days before the assizes, for public inspection. Presentments for repairing sudden damages to bridges, &c. six days before or during the assizes might be granted. The repair of narrow roads was extended to the counties of Wicklow, Wexford, Kilkenny, Mayo, Tipperary, Galway, Waterford, and Kerry, not more than sixteen feet wide, and 1s. for fences to such roads. Contractors for keeping roads in repair were to enter into bonds for double the sums.

By the 26th, c. 14, the act for the county of Dublin was farther altered.

The 27th, c. 21, was enacted for the county of Down only, and contained provisions for printing lists of presentments, &c.

By 31st, Grand Juries, in Munster, might present on the respective baronies, at any assizes, sums sufficient to repair or widen *tow* paths or *track* ways, to be fifteen feet wide, in order to facilitate the navigation of canals and rivers in that province.

By the 36th, c. 36, Grand Juries might present 6d. per perch, annually, for keeping roads in repair—3d. by a former act being found inadequate; the contractors were also empowered to remove nuisances, &c.; but was not to extend to the counties of Dublin, Mayo, and Galway.

Thus, during thirty-one years, the Road-police of Ireland had undergone many and important improvements. Previous to the police of the *six days* being entirely superseded by the 5th of George III., the system had become mixed and confused, from the roads being partly maintained by the statute labour, and partly by the aid of Grand Jury presentments: it was, therefore, most advisable to adopt a more definite and effective system.

At first, the roads, in common with bridges, were paid out of the general treasury of the county; but the road tax was afterwards very properly laid on the baronies, each barony paying for its own roads—for when paid by the county at large, many districts were much neglected. A very obvious and necessary improvement was attended to under the new system, viz. a more liberal provision for the extension of new roads, which were daily becoming more and more indispensable. The necessity of these seem not to have been even so much as thought of under the original statute labour system. Indeed, the subsequent changes of society do not appear to have been anticipated by our forefathers in many, perhaps, in most of their police arrangements—a neglect, which, in our time, has often been productive of national inconvenience and loss; this observation is strictly correct when applied to the present subject; for the statute labour of those parishes which had no

roads through them, instead of being employed in opening new roads, where certainly they must have been wanted, was to be expended on the roads, or even on the rivers, of the adjoining parishes—and the provisions under the system still acted upon in Britain, is evidently inferior in this, as well as in other respects, to the present system in Ireland. By the acts now under consideration, viz. those passed between 1763 and 1796, new roads might be laid out to the *sea*. The damages for new roads, instead of being paid by the persons obtaining the presentments, were to be levied on the county or barony, as the Grand Jury might think fit; and in order that the public and individuals interested might be sufficiently informed of the intention to open new roads, a *map* of the same was to be deposited at first with the clerk of the crown, and notice to be posted on the court-house door seven days before the assizes; but this was not considered sufficient intimation, as the map of such new roads was afterwards ordered to be deposited with the treasurer of the county twenty-one days before the assizes, and a notice given within the same time to the occupiers of the land. But the convenience and rights of individuals were not left unprotected; for new roads could not be taken through certain descriptions of property without the consent of the owners, and all damage and loss sustained by the removal of materials, instead of being left to the valuation of the overseer, at the risk of individual or public loss, two substantial householders, mutually chosen, were to estimate the damage sustained, and a third householder, chosen by a justice, was afterwards added—the estimate after being sworn before two justices, was to be presented off the

county at large, by the Grand Jury, or so much of it as they thought proper. In order to check the improper levying and expenditure of the public money, forms of affidavits were furnished. That the public might be aware of all sums applied for (under the old system,) the persons intending to obtain the presentment were to give notice seven days before the assizes to the county treasurer, and he was to post a list of such *queries* on the court-house door four days before the assizes, to furnish the Grand Jury with a copy, and the same to be publicly read on the second day of the assizes, before the other business was gone into. But by those acts, the affidavits for presentments were to be lodged six days before the assizes with the Grand Jury's secretary, who was to make out a schedule of the same for the use of the judge, jury, and for public inspection. The extension of new roads in more convenient directions, having rendered some of the old roads unnecessary, Grand Juries were empowered to present such to be shut up—persons aggrieved having still a power of traversing the same. In order to facilitate all traverses for damages, presentments, &c. they might be tried at the same or succeeding assizes, merely on being entered in the crown-book, if right in substance, though not in form.

Grand Juries were empowered to contract for the repair of roads for seven years, at 3d., afterwards at 6d. per perch, per annum; the contractors granting a bond for double the sum, which before could not be done without fresh presentments;—also to present 1s. per perch, for fences, and the same for foot-paths, off the barony or baronial divisions. That the work might be proceeded on, the overseers were, in ten days after the assizes, to be furnished with copies of the presentments

-granted by the county treasurer. Overseers' and collectors' wages, instead of being left to the option of Grand Juries, was fixed at 3d. per perch to the former, and 9d. per pound to the latter. Bridges might be built at *ferries*, and in other cases, without expense to the county—the tolls for passing the same being fixed by the Grand Juries. Provision was also made for obtaining a survey and maps of the counties, which are so essential to promote the improvement of their roads. Various nuisances were specified and prohibited—all hedges were to be clipped, and branches lopped, so as not to injure the roads; and the use of such wheels as were considered injurious to the roads, were also prohibited, under a penalty of 10s., and afterwards of 5s. 5d., to the seizers; and double toll to be levied by collectors and gate-keepers, under a penalty. All roads were to be widened not less than twenty-one feet, nor more than thirty-one feet: all new roads were to be laid out thirty-one feet, and no repairs were to be granted for any roads of a less width; but it was found that there were many public roads in the province of Ulster which could not be so widened, for the reasons stated in page 77, but required, nevertheless, to be kept in repair. An excellent arrangement was made, by which the expense of such repairs might be levied on the parishes, at vestries; and in parishes where no vestries were held, the six days' labour was to be again in force. By the 5th George III. parish vestries were empowered to levy money for the repairs of their streets, lanes, &c. under a similar arrangement. Subsequent acts amended various particulars relative to the Ulster narrow roads; and this measure was found to be so beneficial, that the same was afterwards extended to several

counties similarly circumstanced in the other provinces: but the whole system was still considered imperfect, and, accordingly, in April, 1796, the 36th cap. 55, of his present Majesty was passed, being “An act for the amendment of public roads, for directing the power of Grand Juries respecting presentments, and for repealing several laws heretofore made for those purposes.” The preamble of this act states, “That the several laws heretofore made for the amendment and repair of roads, having not proved effectual, and were become confused from their multiplicity.”

The following acts of the present reign were therefore repealed, viz. the 11th, c. 9 & 20.—13th and 14th, c. 20 & 32.—17th and 18th, c. 22.—19th and 20th, c. 18.—23d and 24th, c. 42, except so far as they related to the repealing of other acts, the money formerly raised by them, &c. The most material clauses of those acts have been retained in the 36th, c. 55, or other clauses enacted in lieu of them—of those which have not been retained or substituted, some remarks will be made in the Sequel of this Section. The 36th, c. 55, of the present reign, is therefore to be considered as the principal act now in force relative to the Road police of Ireland—the subsequent acts being merely additions and amendments to it, viz. the 37th, c. 35.—46th, c. 96.—49th, c. 86.—50th, c. 29.—Those relating to the post roads are not included, as they will form the subject of the next Section.

In order to render this sketch of the present system more distinct, it may be proper to consider it under the following arrangement, viz. 1. Laying out new roads.—2. Making new roads.—3. Widening roads.—4. Lowering hills, &c.—5. Building bridges, walls,

&c.—6. Repairing roads.—7. Obtaining materials.—8. Narrow roads.—9. Stopping up old roads.—10. Making fences, filling drains, &c.—11. Foot-paths, mile-stones, &c.—12. Overseers and Conservators.—13. Offences and nuisances.—14. Mode of levying and accounting.—15. Miscellaneous.

1. LAYING OUT NEW ROADS. By the 36th, c. 55, § 17, of the present reign, persons may survey or measure any line for an intended new road, on their producing a certificate in writing, under the hands of two justices of the peace within the district that they are employed for that purpose; those interrupting or threatening to assault such, are by § 73, liable to a penalty of £5. By § 14, Grand Juries may present new roads to be laid out upon the request of any person whose name shall be inserted in the presentment, between market-towns, or to the sea, from thirty-two to fifty-two feet wide in the clear, and also to present 6d. per perch for laying out the same, off the barony, &c. But no presentment can be made for any such road, unless it shall appear to the Grand Jury, by the affidavit of one credible person, sworn before a justice for the same county, that a *map* of such new road has been deposited with the treasurer of the county twenty-one days at least before the assizes; and that a *notice*, setting forth that an application is intended to be made at the next assizes, for a presentment to lay out a new road, distinguishing the several town-lands, baronies, &c. through which it is intended to be carried, with the number of perches to be made in length through each town-land, has been personally served upon, or left at the house of, each occupier of the land through which such new road is intended to be made in such county, twenty one days before the assizes; and that

a like notice has been posted on the door of the county court-house also twenty-one days before the assizes. And it must further appear, from an affidavit sworn in like manner, (unless presented under the *post-road act* of the 32d Geo. III.) that no part of such new road is to be made through any deer-park, or field enclosed with a wall built of lime and stone, or brick, five feet high or more, without the consent of the owner thereof; and that no part thereof is to be made through any house entirely built with lime and stone, or brick, or through any office or orchard belonging to any person inhabiting a house so built, without the consent of such person. By § 43, any presentment for laying out a new road may be traversed, if at the assizes at which it shall be made; and the occupier or owner of the ground through which the road is to be made, may traverse for damages at the same or ensuing assizes, and the damages found by the jury being paid to the traverser, or deposited for his use with the county treasurer; the overseer may proceed with the work without interruption, and the Grand Jury may at their discretion, present the amount of such damages to be raised off the barony, &c. respectively, to which presentment no traverse shall be allowed or received.

2. **MAKING NEW ROADS.** By the 36th, c. 55, § 14 & 15, the expense of making any new road was to be presented at once on the affidavit of two credible and literate persons; and the accounting affidavit of the overseer was to state, that the length presented was "safe and level throughout the whole width, for carriages to pass and repass on; and that the backs of every ditch, bank, or fence thereto, to which there was a gripe turned to the road, and the gripe to the field side;" and the making any new road may still

be so presented and accounted for. But by the 49th, c. 84, § 5, Grand Juries, if they shall deem it expedient, may grant a presentment for forming, leveling, and draining the same, distinct from the presentment for graveling or making it with small stones, off the barony, &c. The accounting affidavit to state, "that it is level throughout the whole width, and that there is not adjoining to either side of the road so formed, leveled and drained, any gripe, trench, or drain, without a wall or other sufficient fence between it and the side of the road:" And the Grand Jury may present for finishing such road, as in the 36th, c. 55, § 14, 15, 16, by which twenty feet, at least, of the width of such new road must be graveled or made with small stones. By § 17, justices, overseers, or conservators, may prevent persons from riding or driving any kind of beast or carriage on any new road which leads through boggy or moory grounds, or through a mountain, for the space of three months after it shall be made. By § 73, offenders herein are liable to a penalty of £5. By § 74—1s. per perch may be presented for making, widening, or deepening drains, on the sides of roads leading through *bogs*, in order to carry off the water therefrom. By the 37th, c. 35, in the overseer's accounting affidavit for making or repairing any road passing through a tract of bog, instead of the words "that it is safe and level for carriages, &c." the following words are to be inserted, "and that the said perches are made, &c. through a tract of *bog*." By the 49th, c. 84, § 11, in cases where it may be deemed advisable, Grand Juries may present for the *paving* of a road or street by the square yard, instead of making or repairing the same by the perch with gravel or small stones.

3. WIDENING ROADS. By the 36th, c. 55, § 2, Grand Juries may present for widening roads leading direct from one market-town to another, or from a market-town to the *sea*, or to a *colliery*, *coal-pit*, or *culm-pit*, not less than thirty-two feet, nor more than fifty-two; and any part of any other road from twenty-four to forty-four feet wide in the clear, and to present off the barony, &c. the money for widening the same, and for making fences instead of those which shall be taken down and destroyed. By § 4, if any part of a road to be so widened, shall be enclosed on either side with a wall built entirely with lime and stone, or brick, five feet high or more, such presentment shall not authorise any person to pull down such wall, without the consent of the owner thereof; but the road may be widened on the other side, if not so enclosed on both sides. No widening of any road is to be accounted for unless the affidavit states, "that the whole length presented is sufficiently widened to the width specified, and is safe and level throughout the whole of such width, in every part thereof, for carriages to pass and repass; and that the back of every part of the fence where there is a gripe thereto, is turned to the road, and the gripe to the field side."

4. LOWERING HILLS AND FILLING HOLLOWs. By the 36th, c. 55, § 18, 19, 20, Grand Juries may present, to be raised off the county at large, the expense of lowering any hill, or filling up any hollow, or both, on any public road within the county, leading from one market-town to another, for the purpose of rendering such road more easy and convenient for carriages; but no such presentment can be made but on the affidavit of two credible and literate persons, that the sum required is a reasonable charge, and

that the lowering of such hill, or filling up such hollow, or both, (as the case may be,) will contribute to the ease and convenience of carriages travelling the said road; and that the said road cannot, in their opinion, be conveniently changed, so as to avoid such hill or hollow, without incurring a greater expense, or causing a considerable increase of length in the said road; which latter part, after the words "travelling the said road," is to be omitted, if the presentment for laying out any new road, whereby such hill or hollow might be avoided, has at any time previous thereto been applied for, and refused by the Grand Jury, or not *fiated* by the court; or if *fiated*, has not been carried into effect.

5. BUILDING BRIDGES, PIPES, WALLS, &c. By the 36th, c. 55, § 21, 22, 23, 24, Grand Juries may present off the county at large, for building, re-building, repairing, altering, or enlarging any bridge, pipe, arch, or gullet, built of stone, or brick, or wood, under or on any road; or in filling or graveling over any such bridge, &c.; or in building or repairing any wall, or part of a wall, necessary for the support of any road; or to prevent any steep banks of earth from falling upon any road; or in erecting any fence, railing, or wall, for the protection of travellers, from dangerous precipices or holes lying on the side of any public road—an estimate must be annexed to the affidavit of two persons, as in other cases; and also a *plan*, if for a bridge. But no more than £10 can be presented for any bridge, pipe, &c. under or on any road, unless it shall appear to the court by the certificate of the foreman of the Grand Jury at the preceding assizes, that the proper affidavits, plans, and estimates, had been laid before the Grand Jury at such preceding

assizes, and been read to them—unless where the new bridge, pipe, &c. is to be built in the place of one which has been carried away, destroyed, or become impassable, with safety, for carriages, since the assizes immediately preceding. When the presentment exceeds £100, any sum not exceeding two-thirds of the whole, may be paid to the overseer, on his affidavit setting forth the sum expended by him, and that so much of the work is done, and on his giving sufficient security to finish the work within one year pursuant to the presentment. By the 49th, c. 84, § 12, every affidavit upon which any presentment for any pipe, gullet, or sewer, shall be granted, shall specify the dimensions of such pipe, &c.

6. **REPAIRING ROADS, &c.** By the 36th, c. 55, § 6, Grand Juries may present any part of a road to be repaired, and the money to be raised off the barony, &c. upon the affidavit of two persons who have measured and estimated the same. If an old road, fourteen feet, or if a new road, twenty feet wide, at least, to be covered with gravel or small stones; the accounting affidavit to state, “that the whole length presented to be repaired, is safe and level throughout the whole width, for carriages to pass and repass on, and to specify the width which is made with gravel and small stones, and that there is a sufficient passage on each side of the road to prevent the water from injuring the same;” and when any part of any road is enclosed on both sides with walls, built with stone and lime, &c. so as to render the road less than statutable width, the affidavit must state that such is the case. By the 49th, c. 84, § 18, it was enacted, that after Lent assizes, in 1810, no affidavit for the accounting for the repairs of any road could be allowed, unless it

specially stated that there was not on either side of any part of the road specified in such affidavit, "any gripe, trench, or drain, without a wall or other sufficient fence between such gripe, &c. and the side of such road." But an act of the following year, viz. 50th, c. 29, § 1, repealed this clause, as it was found that in many parts of Ireland the building of such walls or other sufficient fence, would be attended with great expense; therefore, repairs of any road (not being a mail-coach or post road) may be accounted for without its being stated as required by the former act, if it did not appear that any former Grand Jury had presented a sum for making such walls or fences; and temporary repairs for any mail-coach road having trenches, &c. without such wall or fence, may be accounted for where any new line is presented in lieu thereof, but not finished. Doubts having arisen, whether the words contained in affidavits accounting for the repairs of roads, stating that part of the width of such roads is made with gravel or small stones, did not imply, that in every perch to be repaired the whole width had been stoned or graveled anew. By the 49th, c. 96, § 17, the repairs of roads may be estimated, presented, and accounted for, without specifying any particular breadth in each perch to be newly stoned and graveled. By the 36th, c. 55, § 60, the repairs of bridges damaged by sudden accident six days before or during the assizes, may be presented. And by § 75, ample provision is made to prevent any inconvenience to travellers from sudden breaches in any bridge or road between assizes, by empowering justices, of £100 a year, in the barony, to order the repair of the same—any sum not exceeding £5, for the repair of a bridge, and £2 for the repair of a

road—a justice can only make one such order between the assizes—and accounting for the expenditure at the assizes, is prescribed in a manner the most likely to prevent any fraud by the overseer appointed by the justices to superintend the work.

Repairing Roads, &c. by contract. By the 36th, c. 55, § 81, in order to lessen the expense of keeping the public roads in repair, the Grand Juries are empowered to contract for the repair of roads for seven years, at the rate of 6d. per perch, by the year, to be raised off the respective baronies, &c. Such contract or agreement must be signed by the parties with whom the Grand Juries shall make the same; but before such contract shall be entered into, an affidavit shall be sworn by two credible and literate persons, that such road “cannot be kept in sufficient order and repair for a smaller sum than that which is specified in the contract by the year, for each perch;” and before the contractor is paid, he must swear to an affidavit, that the number of perches, and every part thereof, have been kept in good and sufficient repair and condition since the commencement of his contract; and that the said perches are then in good and sufficient repair, and of the breadth required by law. By the 36th, c. 36, which is not repealed by c. 55, this does not extend to the counties of Dublin, Mayo, or Galway, and the contractor’s affidavit, by this act, is required to be more full and particular; for, in addition to the foregoing clauses, it must state, that “every part of such road has been, and is, free from all obstructions or nuisances whatever, to impede or prevent passengers or carriages from travelling the same.” In case of the sickness or absence of the contractor, the amount of the contract may be allowed,

if two credible inhabitants of the barony make affidavit, that they have viewed the same, and that it is in such repair as the law requires—contractors have the power of overseers. By the 49th, c. 96, § 21, it is not necessary that any account of the expenditure should be annexed to an affidavit, in accounting for the repair of roads by contract, if it be stated in such affidavit, that the contract was fairly made and entered into upon the best and most advantageous terms that could be procured, without favour or partiality to the contractor, and that he has given security for keeping the roads in repair for one year from the date thereof. By subsequent acts, Grand Juries may contract for the repairs of roads between market-towns, at 1s. per perch, and at 2s. per perch, for mail coach roads. By the 49th, c. 84, § 10, where the battlements of bridges shall have been lately built or repaired by presentment, Grand Juries may contract for keeping the same in repair, for any time not less than seven years, and no more than 1s., annually, per perch, in length of such battlements; and no money is to be paid for such contracts, unless it shall appear to the Grand Jury, that the affidavit of the contractor, and the certificate of the conservator of the road in the barony, or of a neighbouring magistrate, that such battlements have been kept in good repair since the preceding assizes.

7. OBTAINING MATERIALS. By the 36th, c. 55, § 62, &c. overseers or contractors are empowered to dig for, raise, and carry away, any gravel, stones, sand, or other materials for the building, re-building, enlarging, or repairing any bridge, &c.; or for the making, repairing, or preserving of any road, foot-path, &c. whether in the same, or in an adjoining county, or

through the lands of any person, not being a deer-park, bleach-green, orchard, walled garden, haggard, or yard, or planted walk, lawn, or avenue to a mansion-house; and such overseers shall make satisfaction to the owners or occupiers of the land for what damage may be done thereby, as shall be assessed by *three* substantial householders of the county—one to be named by each of the parties, and the third by a neighbouring justice. If the overseer or owner refuse to name a proper appraiser to attend such valuation, the justice is to name such person, who shall be sworn with the others by such justice, to make a true estimate of the damages, to the best of their skill; in which estimate no damages shall be included for any tenant in respect to the value of any stones, gravel, or other materials, but simply for the waste committed by breaking the surface and making a passage through the land, unless quarries and gravel-pits shall have been demised to such tenant in the lease he holds of the land, with liberty to sell or dispose of the same. By the 49th, c. 96, § 20, Grand Juries may present for damages done by taking away stones, gravel, &c. off the barony in which they shall have been expended. By the 50th, c. 29, § 3, overseers, in every affidavit accounting for such works, shall in the account annexed thereto, as an item or items of the sum to be accounted for, state the amount of any sum or sums which may have been awarded for damages incurred by taking away materials, which affidavit is to account for the expenditure of such damages, whether the probable expense may or may not have been estimated previous to obtaining the presentment. By the 35th, c. 55, § 64, overseers shall not take materials from beaches on the sea shore, whereby a public road or bulwark may be injured, under a penalty of 5s. for every cart load.

8. **NARROW ROADS.** By the 36th, c. 55, § 80, where roads cannot be made thirty-two feet wide (as by § 2,) without much difficulty, and a great and unnecessary expense, presentments may be granted for such roads, of such width as may be thought proper, not less than sixteen feet in the clear, provided, in the affidavit for grounding any presentment for making any new road, or repairing any such old road, the word "*narrow*" shall be inserted before the word "*road*," and the width that is to be made or repaired, and the number of feet in width, to be covered with gravel, &c.; and that it is in a part of the barony, where, from the situation and nature of the ground, the making a wider road would be attended with a great and unnecessary expense. But no presentment can be granted for fences to any such *narrow* road, within sixteen feet of the centre, except where a wall is made to support the side of the road, on account of its declivity, or to protect passengers from a precipice.

9. **STOPPING UP OLD ROADS.** By the 36th, c. 55, § 46, Grand Juries may present any old road to be stopped up, (except such, concerning which any suits may be depending in law or equity) if it shall appear to them that such road is no longer necessary to be kept open for the convenience of travellers, or that a new road has been made which answers all the purposes of the old one; but to which presentment any person may enter a traverse at the same or at the next assizes; and if such traverse shall not be tried within a year after such presentment shall be made, it shall stand good and valid.

10. **MAKING FENCES, FILLING DRAINS, &c.** By the 36th, c. 55, § 14—1s. per perch may be presented for making fences to any road. By § 12, in order to

prevent the great danger arising to persons travelling by night, from the drains of the fences on the sides of roads ; and as it tends very much to the safety of travellers to have the back or bank turned towards the road, and the trench or drain to the field side—1s. 6d. per perch may be presented for filling up such drains, &c. and for making a sufficient fence instead thereof. The accounting affidavit to state, that “ the ditches have been completely filled, and the backs are turned to the road in every part, and that there is a sufficient security to preserve travellers from the danger arising from the ditches, &c. ; and also a passage for the water, in every part thereof : ” And by § 13, wherever the fence so erected is a ditch, that the back or bank thereof is situate next the road, and the drain or trench is next the fields, and that the width of the road is not thereby diminished. By the 49th, c. 84, § 19, *any* sum may be presented which is found necessary to fill up gripes on the sides of roads, provided an affidavit be laid before the Grand Jury, stating the length, breadth, and depth of such gripes proposed to be filled up, and that the sum required is a reasonable charge. By the 36th, c. 55, § 62, any overseer may make drains to carry off any water which might injure any bridge, wall, road, &c. through any lands, under the same restrictions as for obtaining materials—the damage to be valued and accounted for in the same manner. The allowance by § 74, of 1s. per perch for making, widening, and deepening drains to roads leading through *bogs*, &c. has been noticed already.

11. FOOT-PATHS, MILE-STONES, &c. By the 36th, c. 55, § 9, 10, Grand Juries may present 1s. 6d. per perch for making foot-paths, and 9d. per perch for repairing the same. By the 49th, c. 84, § 8—3s. per

perch may be presented for making, and 1s. 6d. per perch for repairing, foot-paths. By the 49th, c. 84, § 13, Grand Juries may present off the county at large 20s. for each mile-stone or mile-post, and 30s. for each finger-post, if an estimate upon oath be previously laid before them, stating the expense of procuring and erecting such mile-stone, &c. the dimensions thereof, and the size of the letters and figures to be inscribed thereon, respectively. By § 14, if trustees of turnpike roads do not erect proper and sufficient mile-stones and finger-posts upon, and throughout, the lines of the respective roads under their care and management, Grand Juries may present the sums necessary for procuring and erecting the same; the amount to be recovered from such trustees, by civil bill, by the treasurer of the county, with the costs of suit, and also of 2s. in the pound upon the amount recovered, as a reward for his trouble.

12. **OVERSEERS, CONSERVATORS, &c.** By the 36th, c. 55, § 38, 39, Grand Juries may appoint one or more overseers who can read and write, for carrying into execution any presentment which they may make, and to present for the wages of such overseer any sum not exceeding the rate of 1s. for each pound, expended by them, and raised at the time, in like manner as the sum so to be expended; and they may remove any overseer, and appoint a new one, as they shall think fit, and to record such appointment or removal in the quere formed on the original presentment; and provision is made in the same act, how the money expended may be accounted for in case of the death of an overseer. By § 8, &c. no money is to be paid on account of any such presentment, until an affidavit of one of the overseers appointed by the

Grand Jury, be sworn before a justice of the peace for the said county, stating that the money has been faithfully expended pursuant to such presentment, and that the work is well and sufficiently executed—such affidavit to be delivered with the *quere book*, and allowed by the Grand Jury and the court. By § 45, overseers may be sued for money not fairly expended; if convicted of perjury on any affidavit for accounting, within two years after any *quere* in any presentment, by which money was granted, shall have been discharged. By § 62, they are empowered to take materials, make drains, &c. as already mentioned; they are also authorised to take cognizance of all nuisances committed on the roads, and works for which they may be employed.

Conservators. By the 36th, c. 55, § 76, for the better preservation of the public roads from encroachments and nuisances, and for the more effectual and regular execution of the law, Grand Juries are authorised to appoint in each barony, &c. *either* the high constable, or any other person, to be a conservator of the roads, and all public works therein, and to present as a salary off the barony, any sum not exceeding £25, at each assize; but if the high constable be appointed, he is only to receive £10 at each assize: and no salary is to be allowed to any person appointed, until he shall have laid before the Grand Jury, upon oath, *if required*, (in a book to be kept by him for that purpose,) a full and exact account of his proceedings in the execution of his office, stating when, and how often, he inspected each road within his district; what nuisances, encroachments, or breaches of the law, relative to the public roads, &c. he observed; what remedies he took to remove or punish the same; what magistrates he applied to; what warrants he re-

ceived, and what *fin*es he levied ; and whether any, and what encroachments, nuisances, ditches, walls, or houses, have been made or built, or pits dug, within the time of his appointment, or since the last assizes, on any road, or nearer to the centre, or sides thereof, than the law in this case permits ; whether they continue so ; and, in general, a true and perfect state of the roads and bridges, and all other matters thereon erected or repaired by presentment. And by § 77, the conservator may be examined upon oath by the Grand Jury, touching any matter respecting the execution of his office, or the state of the roads within his district ; and shall have all the powers of overseers, and be deemed the overseer of all public roads within his district, if there shall be no other overseer at the time ; and is to be assisted by the sub-constable, and to report the neglect of such constables to the Grand Jury.—*Supervisors* appointed by the 49th, c. 84, § 3, will be noticed in the next Section.

13. OFFENCES, NUISANCES, &c. By the 36th, c. 55, § 70, no house, or part of a house, shall be built within thirty feet of the centre, or within fifteen feet of the side of any road, (except in corporate or market-towns,) under a penalty of £10, and 20s. a week, until the same shall be pulled down or removed. By § 73, any person riding, or driving any beast or carriage, on any *new* road leading through any boggy, moory, or mountain ground, within three months after the same shall have been made, or wilfully destroying, pulling up, defacing, or injuring any milestone, mile-post, or direction-post, or any bridge, battlement, wall, railing, mound, or fence, or wilfully pulling down or taking away stones out of any building erected or repaired by presentment, to forfeit,

upon conviction, by the oath of one credible witness, before a justice, or upon the view of such justice, for every offence, a sum not exceeding £5. By § 71, Grand Juries, or justices, at sessions, may order limekilns, built within one hundred feet of the centre of any public road, to be pulled down. By § 6, overseers of roads, &c. are not to take any materials from any sea-beach which forms a public road or bulwark, under a penalty of 5s. for every load.

By § 65, &c. the owners or occupiers of lands and houses adjoining the public roads, are not to leave, or permit to be left, on any public road, any plough, harrow, cart, car, &c. without a horse or beast harnessed thereto, (unless the same shall have been accidentally broken down there,) opposite to or adjoining their houses or offices, under a penalty of 10s., or to lay any dirt, dung, turf, straw, rubbish, or scourings of any ditches or drains, or any stones, brick, timber, sand, clay, or lime, within thirty feet of the centre thereof, or before any house within twenty yards of the centre of such road, under the same penalty; and if drawn away by the directions of any magistrate, overseer, &c. after having remained there for twenty-four hours, the person by whom, or by whose order, the same was laid there, or who shall be liable to the penalty, shall forfeit 1s. a cart-load for every day the same shall have remained there; or any person who shall cut turf, or make any turf-stack on any public road, within forty feet of the centre thereof, or build any wall, or make any ditch, or dig any pit, on any public road, within thirty feet of the centre thereof, unless by authority of any presentment; or spread any winnowing cloth, or steep or dry any flax, or burn weeds or vegetables for ashes, or burn any bricks, or lime, or

permit the same to be steeped, dried, or burned on their land; or leave, skin, or permit to be left or skinned, the carcase of any beast, on any public road, or within one hundred feet of the centre thereof, unless in a house or yard enclosed with walls; or beat any flax, or winnow any corn, or erect any may-pole, may-bush, or sign-post, on any road; or keep any cur-dog, mastiff, or bull-dog, without having a block of wood, of the weight of five pounds, at least, fastened to the neck of such dog, at any house within fifty yards of any public road; or scour or fill up any drain or ditch on the side of any road, without the consent of the conservator or overseer; or scrape any public road, or cut or take away any sods, earth, clay, stones, or gravel therefrom, without such consent; or neglecting, after ten days' notice shall have been given by the conservator, &c. to scour any ditch or drain leading from any public road, so as to give full liberty to the water to pass; or permit or suffer any road or pass into the lands or turf-bogs adjoining, or to their houses, without a sufficient pipe, sewer, or gullet underneath it; or ride or drive any horse, beast, or cattle, willingly and unnecessarily on any foot-path, or drive any carriage or car with timber or iron laid across, so as that either end shall project beyond the wheels and sides of the carriage; or draw any timber or mill-stone along any part of a public road, without being supported by wheels, from touching the same, under the like penalty of 10s. for every offence—one-half to the informer, and the other half to the poor of the parish; and in case any fine be not immediately paid, it may be levied by distress and sale of the offender's goods, together with all expenses attending the levying of same; or if not so paid, the offender

may be committed to gaol, there to remain, without bail or mainprise, for two months, or until the said fine be paid; and that all dirt, dung, turf, straw, rubbish, or scouring, and all clay, stones, bricks, sand, or lime, which shall be laid on any public road, within thirty feet of the centre thereof, without such consent or direction, is forfeited. And it is lawful for any person whatsoever to take, carry away, and convert the same to his or her own use; as also all corn which shall be laid on any public road for the purpose of being winnowed, or shall be winnowed thereon, or remain there after having been winnowed, together with the sacks or winnowing-cloths whereon the same may happen to be; and all flax which shall be beaten on any public road, or be laid there for the purpose of being beaten, without the let, suit, trouble, or hindrance of any person whatsoever. And that if any person shall be annoyed in passing or repassing any public road, by any cur-dog, mastiff, or bull-dog, which shall be kept near to such road, contrary to the provisions of the act, it shall be lawful for any such person to kill such dog, without being sued or prosecuted for so doing. All swine, or beasts, wandering on roads, or in streets, may be seized and impounded by the conservator, &c. All nuisances, &c. committed in the streets and passages of market-towns, if not removed after forty-eight hours' notice, every offender so neglecting, shall forfeit and pay to the informer, on conviction, ten shillings for every offence.

The conservator or overseer may fill up any drain or ditch which shall have been scoured, deepened, or widened, without their directions or consent, &c.; or scour, or deepen any drain which shall have been

filled up on the side of any road, or have been omitted to be filled, scoured, or deepened, after due notice ; and to remove any way or passage from any road into any adjoining land, or to any house which may obstruct the free current of the water ; and to remake the same by building a gutter, sewer, or arch thereon, and to remove all other nuisances which shall remain in or near any public road, contrary to these acts ; and to levy the expense of so doing, by distress and sale of the goods of offenders, or of the occupiers of the lands wherein such way, passage, or drain shall be ; also 1s. in the pound for the expense and trouble of making such distress.

14. MODE OF PRESENTING, ACCOUNTING, AND LEVYING THE EXPENSE OF ROADS, &c. By the 37th, c. 55, § 21, Grand Juries may present for mason-work, pipes, or gullets, whether of wood or stone ; lowering hills, or filling hollows ; erecting fences, railings, walls, &c., for the protection of travellers from dangerous precipices, or holes lying on the sides of any public road ; for mile-stones, and direction-posts, *off the county at large* ; and for laying out, making, and repairing roads, foot-paths, fences, damages, &c. *off the respective baronies*. By § 41, they may present a smaller sum to be expended, and a fewer number of perches, &c. to be made or repaired, than is required or set forth in the affidavit on which the presentment shall be founded ; or to present a part only of such sum required, as they shall think proper. No presentment for making or repairing any road, bridge, &c. can be made, but on the affidavit of two credible and literate persons, before a justice of the peace for the county, stating, " that the sum required is a reasonable charge, and that the

work, &c. is necessary, and cannot be effectually executed for a smaller sum, to the best of their judgment;" and that no sum can be paid by the county treasurer, on account of any such presentment, until it shall appear to the Grand Jury and the judge of assize, by the affidavit of one of the overseers appointed for such work, who can read and write, sworn before a justice of the peace, "that the sum so accounted for has been faithfully and honestly expended in the execution of the work, to the best of their skill and judgment," in the form prescribed by the law. By § 58, to the end that the Grand Juries of the several counties may be apprised of the sums demanded on the county at large, and on the respective baronies, to be enabled thereby to regulate the grants of public money, consistent with the ability of the county or barony, all affidavits for presentments must be lodged with the secretary of the Grand Jury before the assizes.

By the 49th, c. 84, § 27, 28, all affidavits for presentments, or public works, must be lodged fifteen clear days before the assizes, with the Grand Jury's secretary, who is required to keep an office open for the purpose; and shall forthwith, after the receipt thereof, (provided he shall be ordered by the Grand Jury at the previous assizes so to do,) cause copies of the schedules of such affidavits to be printed, and ready for delivery at his office, three clear days before each assizes, to such magistrates and overseers of roads or other public works, as may apply for the same, provided that the number printed shall not exceed twenty-five for each barony, &c.; and the Grand Jury may present for printing such schedules of affidavits, if an affidavit of the printer, stating his charge to be fair and

reasonable, be laid before the Grand Jury; and provided the copies have been ready for delivery as aforesaid. By the 35th, § 58, the secretary is to deliver such schedules, in which the affidavits are numbered arithmetically, to the foreman of the Grand Jury, on the first day of the assizes, with all the affidavits he has received; and he is to deliver a copy of such schedules to the judge of assize. By § 59, the Grand Juries shall number all such presentments as they make, agreeable to the number in such schedules, unless where they have a discretionary power given them by law to make the presentment on the county at large, or barony, as they shall think fit; and no presentment founded on an affidavit, shall be stated in court for any public work or purpose for which they are authorised to present, unless an affidavit be entered in some one of such schedules. By § 61, when the secretary shall have made such schedules, and totted up the amount of the sums required on the several affidavits to be raised at such assizes, on the baronies and county at large, the treasurer of such county is to apportion the same according to the usual mode of assessment in the respective baronies, which apportionment, together with an attested copy of the presentments and applotments of the sums granted at the preceding assizes, he is to return to the foreman of the Grand Jury, before two o'clock of the day on which they are sworn; and they are empowered to grant a sum, not exceeding £5, at every summer assizes, to him for his extra trouble. All affidavits for presentments may be rejected, or partly adopted, by the Grand Jury, at their discretion; if allowed, they are to be stated in open court, and registered by the clerk of the crown in the county records.

By § 43, all presentments may be traversed at the assizes at which they shall be made, and may be tried then, or at the ensuing assizes. By § 46, they may be tried upon entry in the crown book, without making up records, so that such entry be sufficient in substance, though not in point of form. By § 51, the clerk of the crown shall, within four days after every assizes, deliver to the treasurer of each county, without fee or reward, copies of all presentments made at the assizes, and also of all queries discharged at the same, signed by himself; and for every default he is to forfeit £5—to be recovered by any person who shall sue for the same by civil bill; and such clerk of the crown shall also at every assizes, deliver to the Grand Jury, a true and faithful return of all queries and presentments which have not been duly accounted for and discharged; and if he shall wilfully neglect so to do, on conviction, by evidence satisfactory to the court, he shall be incapable of acting in the said office for the future. By § 56, the treasurer of every county was to give copies of all presentments he should receive from the clerk of the crown, to any overseers mentioned in such presentment, or to their order or demand, within ten days after such overseer should apply to him for the same, without fee or reward. And by the 49th, c. 84, § 29, the clerk of the crown for every county, &c. shall, within twenty-one days after every assizes, or presenting term, deliver to the treasurer of the county, (in addition to the copies of presentments which he is required by the 36th to deliver,) an accurate copy signed by himself, of the queries which remained unaccounted for at such assizes; and such treasurer, or Grand Jury's secretary or chief clerk, as the Grand Jury may think fit, shall

forthwith, after the receipt thereof, cause a number of copies of such presentments, and such quere book, to be printed and distributed to the magistrates and principal overseers—not exceeding twenty-five for each barony, &c. ; and the Grand Jury at the next following presenting term may present, to be levied off the county, such sum as shall be necessary for defraying the expense of printing and distributing such copies, if an affidavit of the printer, stating the charge to be usual and reasonable, be first laid before the Grand Jury; and that no presentment for printing such copies shall be made, unless such preceding presentments and queries shall have been printed and distributed within six weeks after such assizes or presenting term.

By the 49th, c. 84, § 22, no affidavit accounting for any road, or other public work, shall be allowed by the Grand Jury, or by the court, at any assizes or presenting term, or *October* sessions, unless such affidavit states, that the road or work therein mentioned was completed *six* clear days before the assizes, or *October* sessions, as the case may be; or unless such accounting affidavit shall be lodged with the Grand Jury's secretary previous to the commission day of the assizes, or the first day of the *October* sessions, of which lodgment so made, the secretary shall make oath in open court. The accounting affidavits, if allowed by the Grand Jury, are to be filed in open court in the same manner as the original presentments.

The 46th, c. 96, is styled “an act to amend the laws respecting the accounting for money presented in Ireland, for the making, repairing, widening, or fencing of public roads, and the building and repair-

“ing of bridges, pipes, or gulleys.” As it frequently happened, from the wetness or lateness of the season, or the early appointment of the summer assizes, that the money presented at the spring, or other assizes preceding, for the making or repairing of roads, bridges, &c., could not be expended advantageously, so as to be accounted for at the summer assizes; and as it was considered that it would tend to an economical expenditure of such money, and to the encouragement of proper persons undertaking it, if such money was allowed to be accounted for and repaid to the overseers thereof, after the summer assizes, without waiting until the spring assizes following; the overseers may lay their accounts before justices at the *October* sessions, who may allow the money to be paid, if accounted for, as at assizes; and such allowance shall be certified by not less than two justices at such sessions, and counter-signed by the clerk of the peace, on the back or at the foot of such affidavit, on which the treasurer is required to pay the money so accounted for, as if allowed by the Grand Jury at the assizes. Any person who shall have been charged with, and has paid, any part of the cess, levied for the purpose of paying such presentments, and who chooses to make affidavit at such sessions, in open court, that he believes the money so sworn, not to have been expended, or has not been expended as sworn, or that he believes the affidavit made by such overseer is not true, stating the particulars wherein he believes the same not to be true, such person shall enter into a recognizance in double the amount of the sum so sworn to have been expended, (which recognizance the justices in such court are empowered to take) stipulating for his appearance at the next

assizes, to be there examined by the Grand Jury touching the same, and to prosecute, if called upon so to do; and in case such cognizance shall be so entered into, it shall not be lawful for the court, at such sessions, to allow the accounting affidavit, nor for the treasurer to pay the same. The treasurer must attend the October sessions, and make a return of all queries or presentments unaccounted for at the preceding assizes; and the clerks of the peace must deliver a copy of all the queries which shall be discharged at such sessions, within four days after they shall end, to the treasurer, who must pay them—the affidavits so allowed are to be preserved among the records of the county. If it be proved that the money so accounted for was not expended agreeable to the presentment, the overseer may be prosecuted for perjury, and sued by civil bill for the recovery of the money. Treasurers refusing to pay the amount of presentments discharged at October sessions, are liable to the same penalty as if they had been discharged at the assizes; they are to be allowed 6d. in the pound for all money accounted by them at every October sessions, to be raised off the county at large, at each spring assizes, and 1s. in the pound to the clerk of the peace for his trouble—but such allowance to the latter is not to exceed £10. By the 49th, c. 84, § 31, copies of all presentments passed the preceding year, are to be forwarded to the chief secretary of the Lord Lieutenant, to be laid before Parliament—the county treasurer neglecting to make such return, is to be for ever after incapable of acting as treasurer of any county, &c. in Ireland. By the 36th, c. 55, § 37, when it happens, that any sum of money presented and raised shall not be expended agreeable to such

presentment, and accounted for within the time prescribed therein, or within a reasonable time after the presentment has been made, the Grand Jury are to re-present such sums, then in the treasurer's hands, and also any saving that may be made on any presentment, to be expended on some other work in the barony, upon which the former sum, or such saving, was presented to be raised, or on the county, if raised upon the county. By the 49th, c. 84, § 15, no presentment is to be allowed, which does not state on the face of it, the law from which Grand Juries derive their authority—but does not extend to roads, bridges, &c.

By the 49th, c. 84, § 26, no salary, poundage, &c. is to be paid to any county treasurer, until there shall be previously produced to the judge, by the clerk of the crown, a certificate signed by the proper officer, that such treasurer has given and entered into securities for the performance of his office—such certificate to state the date, amount, and other particulars of the securities. By the 36th, c. 55, § 56, county treasurers are to make up their accounts, on oath, at every assizes, and lay them before the Grand Jury, who shall have them entered in the county book; they are not to compound, nor make deductions without accounting for them: nor are they to neglect to keep an office open, as required by law, and are not to refuse to pay off queries without *fine*, when they have money, under a penalty.

By the 36th, c. 55, § 48, Grand Juries may appoint a collector for each barony, &c. and present a sum not exceeding 9d. in the pound, as wages, for collecting, to be raised off the baronies. By § 50, where collectors are not appointed, or do not give security

within one month after their appointment, the high constable of the barony, &c. is to be deemed collector, on his giving the proper security. The collector must give security by two sufficient sureties, to be approved of by the Grand Jury, &c. ; and is not to receive his wages, until he produces the certificate of the treasurer, that he has paid the money he was authorised to collect. By the 49th, c. 84, § 24, the collector is not authorised to collect the cess or public money, until he has given such security ; and by § 21, no presentment for poundage shall be made for collecting any public money, by the Grand Jury, or fiat by the court, unless the treasurer's warrant, under which such collector has proceeded to levy the cess, be annexed to such presentment, nor unless such collector and his deputy shall make affidavit before the Grand Jury, that such has been fairly and impartially levied ; and that no more than the sum authorised by the treasurer's warrant, with the customary collector's fees, has been collected, to the best of his and their knowledge and belief.

By the 36th, c. 55, § 34, Grand Juries may present off the county at large for suing any treasurer, collector, or receiver of any public money, or their securities, for any misconduct, breach of duty, or non-payment, or for recovering from them or their securities, any public money ;—the bill of costs for suing for such money, to be taxed and verified by affidavit, and allowed by the court before it is paid.

By § 51, Grand Juries may present arrears unpaid, and for the deficiencies of insolvent collectors, or any person empowered to collect or receive public money. When the money is recovered from a col-

lector or treasurer, it shall be presented to be expended in executing some work or works in the county or barony in which it was raised. By § 52, treasurers are to issue warrants to the collectors, within one month after they receive copies of presentments made at the assizes, who shall levy and pay the same to the treasurer before the second day of the assizes. Collectors may levy by distress and sale of goods, and take 1s. in the pound for their trouble in making the distress. The names of manors, parishes, or denominations, and the sum to be collected, are to be inserted in the warrant. When it is difficult to ascertain the proportions to be paid, the collector, within ten days after receiving the warrant, is to give an account in writing, signed by himself, to the seneschals, church-wardens, or principal inhabitants of any such manor, of the sum he is empowered to levy: a notice is to be posted by the persons who receive such accounts from the collector, under a penalty of £10, within six days, requesting a meeting of the inhabitants to choose two applotters for each denomination; an oath is also to be made on the applotment, of the justness thereof, which shall be delivered to the collector within thirty days, under a penalty of 10s. per day, if they shall omit to deliver the same—the collector is to levy according to the applotment given, with 10s. for applotter's fees. If no applotment shall be returned within thirty-six days, the collectors may enter and distrain the whole or any part of the denomination, and levy the full sum he is required by his warrant.

By the 49th, c. 84, § 23, when the contents of the denominations are not ascertained in the county book, Grand Juries may form a table of contents, and the county treasurer shall give public notice

thereof, by ordering the collector, &c. to post a copy of such table on the door of every church and market-house in the barony, thirty days before the ensuing assizes; all persons who may think themselves aggrieved by such table, to appear before the Grand Jury at such assizes; and the Grand Jury, if they shall think proper, may examine such persons, upon oath, of their objections thereto;—and the Grand Jury may amend such table, and present the public money to be levied according to it.

By the 36th, c. 55, § 95, Grand Jury cess shall be paid by the person occupying when it was levied, although not occupying when the cess was imposed. By § 90, all persons sued pursuant to these acts, may plead the general issue; and if the plaintiffs be non-suited, or judgment be given against them, the defendants shall have treble costs. By § 93, persons who resist those employed under these acts, or attempt to rescue goods distrained, or a constable refusing to execute a warrant, are both liable to a penalty, not less than £2, nor more than £10, or committed to gaol for four months. By § 94, distresses are not to be deemed unlawful for want of form—the parties aggrieved may receive special damages.

15. MISCELLANEOUS. By the 36th, c. 55, § 29, Grand Juries might present off the county at large, £150 for every 50,000 acres in the county, for obtaining a map and survey. By the 46th, c. 134, § 15, they may present, not exceeding in the whole, at any one or more assizes, after the rate of £300 for every 50,000 acres contained in the county, according to the county books, or usual computation thereof, and so in proportion for a greater or lesser quantity, for obtaining a map and survey, and for engraving and print-

ing such number of copies thereof as may be deemed necessary for the use of the county. By § 30, of the 36th, c. 55, on proper security being given, two-thirds of the amount may be paid in advance, to enable the surveyors to proceed in making such survey, &c.; and £10 may be presented on each barony for a separate map thereof, on a scale twice as large as that of the county: and £20 off the county at large, for every 50,000 acres, once in fifteen years, for a map containing all the alterations in the roads, which may have been made since the former survey. By § 26, where a river or road forms the boundary of counties or baronies, half the expense of making or repairing the bridge or road is to be presented on each county or barony; and an alteration in the affidavit for such presentments is provided in the act; and no money is to be paid for such work, unless an equal sum is presented on the adjoining county or barony—of which the overseers must produce a certificate from the clerk of the crown. By § 40, half baronies, &c. are to be considered baronies, only to be named as such in all presentments, &c. By § 72, the centre of any road is to be deemed the centre of the part thereof made with gravel or small stones. By § 47, each perch is to be twenty-one feet in length. By § 96, no fee is to be taken for swearing a road affidavit, under a penalty of £5. By the 49th, c. 84, § 50, passengers and travellers of all descriptions are obliged to take the left hand side of the road, under a penalty of 10s.: the half of this and the other penalties specified above, to go to the informer, and the remainder to some parochial charity.

Such is the Present or PRESENTMENT system in Ireland, which I again assert to be, in many particulars

superior to that of any other country ; the merit of which will appear even still more obvious, if compared with the *bye-road* system in Great Britain, of which a hasty sketch has been given in Section I. ; (or with the system previously acted upon in Ireland, as detailed in the last Section). Indeed, the superiority of the system in this kingdom is evinced from the fact, that it had only been about seventeen years in force, when Arthur Young observed the remarkable and beneficial effects which had resulted from it in all parts of the island, which were so great, that he found it perfectly practicable to travel upon wheels by a *map* ; he could trace a route upon paper as wild as fancy could dictate, and every where he found beautiful roads without break or hindrance, to enable him to realize his design :—" what a figure," he added, " would a person make in England, who would attempt to move in that manner ?" (where the cross roads in 1776, we are informed by Dr. Burn, were almost as bad as in the time of Philip and Mary) ; and Britain has, perhaps, lost millions by not adopting the opinion of this patriotic writer and discerning traveller, who asserted, that similar good effects would there have flowed from the introduction of the same system. Since that time, however, the system in Ireland has been rendered greatly superior, having in the course of the intermediate time, (forty years,) undergone numerous amendments and additions.

Under the present *bye-road* system in Great Britain, the control and expenditure is chiefly entrusted to the neighbouring magistrates, and the surveyors or overseers which they may choose to appoint ; all redress or appeal against the misconduct of the latter, resting on a final decision at the quarter sessions.—

Whereas in Ireland the control and expenditure is committed to the Grand Jury at assizes, under the cognizance of the judge, and the transactions relative to the levying expenditure and accounting for the public money, are, in a great measure, open to be traversed at the assizes, by any one who pays a portion of the county tax. In Britain, two justices may lay out or widen any road, and the surveyor has it in his power to compensate for the damages, provided the owner of the soil chooses to agree to his award, which he will do in case there is any collusion between them—and it is obvious that such must sometimes be the case. On the contrary, in Ireland, a more effectual, deliberate, and equitable mode is adopted, by which the public and individuals are less liable to be losers. The excellent provision for lowering hills, and filling hollows, in order to render the roads more safe and level, does not appear to form any remarkable part of the system in Britain. The mode of stopping up unnecessary roads in the neighbouring kingdoms, (as noticed in page 19,) is more circuitous, expensive, and troublesome, than the arrangement pursued in Ireland, (as in page 96.) The power which the road surveyors have in England, of laying out their own money, to be again reimbursed, and in demanding additional rates, must also, doubtless, be often abused to the injury of those who contribute. The defects of the bye-road system in Great Britain, as noticed in Section I, page 28, are mostly obviated in the PRESENTMENT system in this kingdom: here it is commensurate for the intended purpose, in so far as it is capable of being more effectually adapted to the circumstances of different situations and districts, and in being calculated to furnish

an increased fund to meet the progressive increase of population and traffic; by keeping the existing lines of road in sufficient repair, altering them in more convenient and direct situations, and of extending and increasing the number of lines of communication. There is also, in some respects, more equality in levying the money, and more effectual checks against the fraudulent expenditure thereof, in Ireland, at least so far as the obligation of oaths can guard it.

The reports of the committees of the House of Commons, on the highways in England, &c. still further illustrate these remarks, and exhibit the superiority of the system in Ireland; as those committees recommend various amendments and restrictions, which have, for a long period, been enforced by the road laws in Ireland, as will appear from the extracts given in Appendix. (19.)

I shall only here advert to one circumstance, which will show how much earlier and minutely the improvement and convenience of the roads have been attended to in Ireland than in England, where, from other analogous circumstances, we might have expected the contrary to have been the case. From the details which I have given in the preceding pages, it appears, that by an act of the Irish Parliament passed so early as 1765, *foot-paths* might be made on all roads within six miles of Dublin; by another act, in 1773, they might be made throughout the kingdom, if with the consent of the occupiers of the land. The present excellent arrangements for the extension and preservation of this necessary accommodation, have been recited in page 97. In a report of a committee on the roads in England, we find the following observations on a bill of so recent a date as 1812 :—"There

"is no part of the bill which, in the judgment of your
 "committee, is of more importance than the clauses
 "regarding *foot-paths* along the sides of the high-
 "ways; no general law having, hitherto, been enacted
 "respecting either their formation or their protection.
 "afterwards, although the importance of furnishing
 "foot-passengers with that desirable accommodation
 "can hardly be too highly appreciated, more espe-
 "cially, since the increasing enclosure of the country
 "tends, every day, to lessen the conveniences they
 "have hitherto enjoyed where it was in a more open
 "state." Other contrasts of the same kind, and
 equally strong, might be drawn, illustrative of the
 comparative merits of the systems in both islands; but
 I shall proceed to offer some remarks on the important
 consequences which have resulted from the present
 system in Ireland.

It is certain, that no inconsiderable share of the re-
 markable improvement which has taken place in the
 trade and agriculture of Ireland during the last half
 century, (which I have elsewhere attempted to trace,*)
 was owing to the introduction of an effective system
 of Road police, and the consequent extension and
 improvement of the means of internal communication.
 For we know, from experience, how much the making
 of roads and bridges benefits the population of any
 country, by extending correspondence, by facilitating
 communications, and, consequently, by promoting

* See a *Sketch of the Progress of Domestic Improvement*, &c. in
 Ireland, by the author of these Sketches; in a series of papers inserted
 in the *Irish Farmer's Journal*, for 1817, under the signature of a
 Caledonian. Those papers will soon be re-published in a more full
 and connected form, in which the details will be brought down to the
 close of the present year, (1817).—Some extracts from them are
 given in the Appendix. (20.)

internal traffic, which was thereby rendered greater than our foreign, since our best customers are our own people.

No country can be improved, unless considerable attention is previously paid to the making of roads, or lines of communication, through all its different parts. The making of roads is, in fact, the first step towards the improvement of any country. The beneficial consequences which result from a free and easy communication between the different parts of the country and districts, are so generally and extensively felt by every description of individuals, that no labour or expense should be spared in providing them—as without such ready means of intercourse, all sorts of internal commerce and improvement are either much embarrassed, or wholly at a stand.

Of all taxes, that which is raised for this first and most important of all national purposes is, therefore, *the least grievous, and the most beneficial*. The vast importance of good roads, and the reasonableness of paying a tax for their support, when judiciously expended, will, perhaps, be most easily discerned by comparing the circumstances of those parts of the country which do not enjoy the advantage of good roads, with those which are more fortunately circumstanced. Bad roads require a greater number of horses to draw any given weight over them, than would be necessary for the conveyance of the same weight over good ones, which extra draft must be paid for by increasing the price of the articles, and, of course, in many cases, lessening the consumption, and consequently the demand; for the same number of horses which, over bad roads, could only bring a scanty supply of the produce of the country from a

small distance, will, on good roads, convey a more abundant supply from a greater distance, and with more ease—which, of course, will reduce the price for which such produce can be purchased. Indeed, an equitable Road *tax*, whether paid as toll, or as an acreable cess, is not considerable, when the savings are so great and so evident, the wear and tear of horses and teams, with the additional time occupied, not being, in many cases, one-twentieth part of what such toll or tax amounts to. The road tax, when fairly levied and expended, in Ireland is highly beneficial, being productive of consequences different from those of almost any other tax, not only by promoting a very considerable local circulation, (the want of which would be very severely felt,) particularly in the more remote parts of the country, where the traffic is inconsiderable; but by being expended among the people who pay it, being frequently laid out on the spot amongst the poorer classes, and sometimes even before it is levied; employing themselves and their teams when they would often be otherwise inactive. And, if by this employment of many hands, nothing is added to the extent of the island, every village, nay, every field within it, is brought, by a more easy conveyance, nearer to each other: hence the able author of the *Wealth of Nations* has well observed, “that good roads, like canals and navigable rivers, by diminishing the expense of carriage, put the remote parts of the country more nearly upon a level with those in the neighbourhood of towns. They are, upon that account, the greatest of all improvements; they encourage the cultivation of the remote, which must always be the most extensive, circle of the country. They are advantageous even to that part of the country, though

"they introduce some rival commodities into the old markets; they open new markets to its produce." Another writer has also well suggested, that "roads, like canals, &c. may justly be considered as the veins and arteries through which all improvements flow." To internal commerce and agriculture, they certainly are as the veins and arteries to the human body. Through them the blood circulates in every direction, and thus keeps alive the animal system; but if this circulation is by any means checked or obstructed, even in the remotest part, that part soon becomes useless, and sinks into decay, and in some degree is felt throughout the whole body. So it is with respect to the agricultural and commercial systems. Without a free and uninterrupted intercourse, it is impossible they can exist, or, at least, produce to the community at large, so many important benefits as they might otherwise have done. The extension and improvement of roads, &c. afford the most extensive and permanent encouragement to agriculture, and so greatly facilitate the improvement of waste lands, that they ought always be considered as the first step to any improvement of that sort. How many, for example, are the places in almost every part of the country which have been rendered doubly valuable—and how many thousands of acres of fertile soil have been brought into successful cultivation, and made largely to contribute to increase the food and the comforts of man, by the ingress and egress being rendered easy and practicable? "The value of a farm, consequently, the riches, perhaps, the strength of a country, greatly depend on an easy and uninterrupted communication."

The extension of tillage, and improvement of waste

lands in Ireland, and the consequent rise in the rental of estates, the increase of her exports and imports, are chiefly to be attributed to the effects of the late war, particularly to the effects of the blockade that originated from the Berlin decree; "for certainly no previous occurrence had ever afforded so great an encouragement to the agriculture of this kingdom, and the numerous branches of industry connected with it; for that DECREE, by interdicting the usual supplies of agricultural produce from the Continent of Europe to the British market, insured an unprecedented monopoly to Ireland of her produce at that extensive market:"* but without the general extension of good roads, and the facilities they afforded for improvement and internal traffic, so rapid an increase of trade and agriculture could not have taken place; therefore, if the roads of Ireland were not the *cause*, they were the chief *means*, of her prosperity. Hence the vast and obvious importance of an effective system of *police* for their extension and maintenance. When we consider, that comparatively less capital, and encouragement in other respects, is afforded for the advancement of rural improvement in Ireland, than in the neighbouring kingdoms, the indispensable utility of good roads become even still more evident; since to their extent and goodness we may trace so large a share of her prosperity. And it is by the same means that her trade, both foreign and domestic, must be promoted in future, more particularly as the extent of these will be in proportion to the *cheapness* with which her produce can be sent to the British or to a foreign market. I have been induced to extend these remarks beyond the limited nature of the present

* Progress of Domestic Improvement in Ireland,—See Appendix (30)

inquiry, from an anxious wish to press the importance of the subject on the attention of landed proprietors; for although the public and private advantages and comforts which result from good roads, are too obvious to be entirely overlooked, yet, as already remarked, from their being spread over a more extended surface, and available in divers ways, such advantages are not always so apparent as those derived from other sources of improvement, of a more restricted and less general nature. It is of immediate importance to the individual emolument of the owners of the soil, to contribute their aid to support and perfect the *Road police* of the kingdom; and any abuses which occasion the misapplication of the funds levied for the maintenance of the public roads, which must unavoidably tend to the prejudice of their own incomes. For as the *rent* of land is the balance, after all expense of cultivation, including the taxes which are paid by the occupier; any increase of tax, &c. must ultimately be sustained by the proprietor of the land. Excellent as the present system in Ireland unquestionably is, that it should be in every particular complete, is more than any human arrangement can ever be expected with truth to boast of. Various changes in the state of society and improvement, which are silently, though constantly in progress, must render arrangements which may be admirable at one period, imperfect, if not often pernicious, at another. I have traced the progress of the system in detail, in order to show how very gradually it has attained its perfection, and sketched it, as at present, in order to point out its merits, and to show how superior, in many particulars, it is to the system in Great Britain. It

remains for me to point out, from my experience and observation, what I conceive to be its defects, and the abuses which are practised under it; the latter will be found more numerous and difficult to be remedied than the former. I am aware, that some persons consider the present system as having already attained its *ne plus ultra*; others who admit its defects, are afraid that any attempt to improve it may be injurious. Such ought to consider, that those institutions which are most perfect in theory, are frequently the most liable to be abused; and that the real merit of any arrangement, like that now under discussion, consists in the certainty with which abuses may be prevented, or the facility with which they may be corrected.

And it is also of importance to observe, that although the superior excellence of the roads in Ireland must be chiefly ascribed to the superiority of the system by which they are made and maintained; yet that there are other circumstances which also tend to render them generally good, viz.—the vehicles of carriage—the traffic being inconsiderable—and the general abundance of road materials in Ireland. The *vehicles* by which all land carriage is performed in Ireland, are *one horse cars or carts*—the cars are the most common. Scotch carts have been introduced, particularly on the great northern roads, where all mercantile commodities are now conveyed to and from Dublin, and the sea ports, upon them; and they are increasing on the other roads in the kingdom.

It is owing to the general practice of using one-horse carriages, that well made roads in Ireland require little repair for many years. A proof how little

one-horse carriages wear roads, is the method generally used in Ireland to construct them :—a foundation of earth is thrown up in the middle space, from the sides; covered by a layer of broken stones, and a thin scattering of earth, or of gravel, when it can be had, to bind the stones together—frequently gravel alone is employed. The carriages considered, no great fault is to be found with this mode, if properly executed, for the road will be smooth and durable; but from being all finished at once, with very little or no time to settle, and consolidate—a succession of carts, carrying a ton each, would very soon materially injure it;—an English waggon would presently cut through the whole, and demolish the road as soon as made, although it would be perfectly durable under cars and coaches.

That there is much less traffic on the roads in Ireland than on those in Great Britain, requires no proof. In Ireland, the traffic is almost entirely confined to the products of agriculture, and the supply of the interior with imported articles. In Britain, the towns and villages are far more numerous and extensive, and the carriages are consequently numerous in proportion;—the transport of raw materials, and of manufactured produce, which is so very considerable, to and from the most of these, is almost unknown in Ireland;—and even this considerable traffic is rendered infinitely more injurious to the roads from the heavy waggons employed in transporting it.

The general abundance of materials, is a most important circumstance in favour of the roads in Ireland; the rockiness of the surface is almost proverbial, and has induced many to consider the whole island as one vast rock. A great portion of the sur-

face is certainly rocky, and strata of rock is almost every where to be found at no great depth from the surface; in fifteen cases out of twenty, the materials for road making are obtained on the spot, or within a short distance. Materials are very generally distributed throughout the whole island, either in quarries, ridges, and masses of gravel, or in the beds or channels of rivers and streams. Lime-stone and lime-stone gravel are very general, which form excellent roads in Ireland; although in many parts of England lime-stone is not sufficiently durable—the heavy carriages grinding it to powder. These circumstances in favour of the roads in Ireland, call materially for observation; for without derogating from the intrinsic excellence of the road system in Ireland, they tend to prove, that were the roads as much occupied as in Britain, and the materials less abundant, the defects and abuses of the system would be more obvious, and more readily acknowledged. From not adverting to these circumstances, and that which was mentioned in page 68, viz.—that although labour is *lower priced* in Ireland than in Britain, yet that it is by no means so *cheap*—has led some to conclude that the *actual* expense of making and repairing roads in Ireland to be less than it really is. That such works must be more or less comparatively cheap in proportion to the abundance of the materials, and the extent of traffic, is obvious; but various causes prevent their being so cheap as they might otherwise be. While the chief defects of the system in Great Britain may be reduced to the want of adequate funds, and the enormous expense of obtaining roads made and repaired with materials sufficiently durable to sustain the heavy carriages in general use; the

defects or abuses in Ireland seem chiefly to originate from the facility with which the funds for such works are obtained ; and it is of importance to observe this distinction ;—but, in both countries, some more effectual, controlling, and superintending power, is wanted. In Britain, more expert and improved methods are employed, in order to facilitate and abridge manual labour in the more operose works in road making. To argue from partial instances, however, in the comparative circumstances of Britain and Ireland, in such cases, would be absurd : I speak from the difference of the expense of road works in general, and particularly from my own experience in Scotland and in this country. In Ireland, the persons usually employed on works of this kind, from the want of capital, have not the proper teams and implements ; and, besides, they look for gains on *county* works, far above the current rates of the country for other kinds of labour. Thus it is, that the Commissioners for Paving, &c. in Dublin, by pursuing a well-devised system, and vigilant superintendence, get various works done on the streets and roads of this city, actually at lower prices than what similar works would be done for in remote parts of the country ; for instance, the breaking or napping of stones for the streets in Dublin, costs from one-third to one-half less by the ton, than what is usually allowed in the mountains of Donegal.

It would not have been necessary to detain the reader with these remarks, but that the apparent cheapness of road work in Ireland is frequently urged as a proof how few abuses exist under the present system. But if this difference in the expense of road making, &c. be more apparent than real, it fol-

lows, that as the system in Ireland, in its leading features, is intrinsically excellent, and much superior to that of Britain, abuses must exist from its not proving so effective in practice, as it is excellent in theory. That abuses do exist, is no longer a matter of doubt, but of notoriety; and has not only for a long time been an ample theme of declamation to those persons who delight in exaggerating the defects of public arrangements, without advertng to what is excellent in them, but has long been evident to the more candid and considerate, and for several years occupied the attention of the Imperial Legislature, with a view to devise remedies. To attempt to lessen the real magnitude of abuses, is an unpardonable weakness, since it is only by scrutinizing them that they can be effectually corrected. Others have gone to an opposite extreme, and concluded, that because so many abuses do prevail, the system must be radically defective; but this is very far from being the case. I have endeavoured to point out how much superior it is to any other hitherto adopted; and I shall, in like manner, attempt to explain the means by which, in my opinion, it may be rendered still more perfect and effective.

The view which I have given of the present system in this Section, may have appeared unnecessarily minute in the detail; but such a description of "the system by which roads are supported and managed, may assist to develop the causes which prevent or obstruct an improvement in their condition;" at the same time it must be observed, that as the system has undergone so many amendments and improvements already, few *defects* really exist; and to ascertain the *abuses* in their full extent, it is necessary to be con-

versant with its operation in practice ; and in order to discover this, a more intimate acquaintance with it is necessary than that which can be acquired in a Grand Jury room, or from mere casual observations. It is true, that every intelligent person can readily discover the difference between works imperfectly executed, and the contrary ; and by contrasting them with others, may form an opinion of their probable value ; but in order to ascertain this with sufficient accuracy, some previous acquirements, and considerable experience, are indispensable. The frauds committed can, therefore, only be ascertained by a professional person ; and even such person must enjoy favourable opportunities for observation and scrutiny. The most extensive frauds are not generally practised in the more public and frequented parts of the country, or in those works on which they would be most obvious, and readily detected. Where the proprietors, &c. of estates are resident, and take an interest in having the county works properly done, and the money fairly expended, fewer frauds are attempted ; but where such essential oversight is wanted, (and it is too generally so,) they are, of course, practised more extensively. There are also various county works, such as buildings, &c. in the assize towns, of which few can be competent judges, except people of business ; and unless where public spirited individuals make them an object of their care, the money is often misapplied, and fraudulently accounted for—individuals not being so immediately interested in these, as in roads, &c.

If any importance is to be attached to my remarks on this subject, I claim no merit for superior ability or discernment, but merely from having had frequent and favourable occasions to ascertain the abuses, and

that in a way beyond the necessity of conjecture or bare assertion. I shall chiefly confine myself more to general than individual abuses; to descant upon what is commonly termed "Grand Jury jobbing," is not my intention, nor do I think it necessary; although much of this does certainly exist, yet I am equally convinced, that it is very often much exaggerated, and is now become much less than what it was at no distant period. Imperious necessity, and, it is to be hoped, more enlightened views, will gradually tend to render the evil of less magnitude. From my intercourse with Grand Juries, which has been pretty general, I am inclined to think that the more popular opinions of their conduct are far from being always correct, and, in many instances, misconceived. I feel gratified in acknowledging my intimate acquaintance with the leading members of Grand Juries in various counties, who, I am certain, act with honorable integrity for the public good; I need scarcely add, that I also know some who act very differently, not merely because they are occasionally members of Grand Juries, but because they are *men*—the generality of whom will attend to their own gratifications, and what they conceive to be their own immediate interest, without much regard to future consequences, or the injury others may thereby sustain. The fact is, individuals will, more or less, pursue their own interest—to think of their acting otherwise, is to betray a palpable ignorance of human affairs. "When individuals act for the public alone, the public is generally very badly served;" but when the pursuit of their own interest is made compatible with this, then the public good is sure to be promoted, and not otherwise; but as individuals do not always see and pursue

their own real interest—in this case the public interest is sure to suffer. Although much has been said and written of the mercenary conduct of Grand Juries, it seems to have escaped particular observation, that it is beyond their power to detect most of the frauds and abuses practised in the application and expenditure of the public money. Many affidavits and presentments come before them, in the Grand Jury-room, with which the members are not, and cannot be, acquainted; and it is not to be supposed, that many of those gentlemen, whose fortunes and respectability insure their being members, can be so much men of business as to know all the mechanical *minutia* of workmen; they must trust to the information of others; and the improper conduct of Grand Juries is, therefore, oftener owing to their being misled or deceived by persons who have interested objects in view, which they can effect through the medium of a Grand Jury, without any apparent breach of their own public integrity, than to any improper conduct of the members themselves.—I know such to be very generally the case.

In order to render the subsequent observations more distinct, it will be proper to follow the arrangement observed in my view of the present system of road-police in Ireland, (as in page 85,) on which system I shall now proceed to animadvert, viz.—

Laying out Roads. Were any proof wanting, how frequently the best devised arrangements are apt to be abused, the abuse of the admirable provision for the extension of new roads, would be sufficient. By the former acts, as in page 64, the damages awarded for new roads, were to be paid by the persons requesting the presentment; but when they became an ob-

ject of more general necessity, such damages were properly levied off the barony; but this facility of obtaining presentments for new roads, without any individual expense, although just and necessary, has occasioned their being multiplied to an unnecessary, and often, ruinous extent. As new roads must always, be more or less advantageous, at least for local convenience, the evil may at first sight appear inconsiderable; but such roads have not only cost more than they ought to have done, and more than the circumstances of the country could properly afford, but the county tax in future will not be adequate to keep them all in sufficient repair and preservation. The anxiety to obtain presentments for new roads, has in many districts occasioned the leading lines of communication to be too much neglected and left often impassable. Those who have had occasion to travel through the different parts of the island, must have remarked, that many considerable market towns are connected by several lines of road, not one of which are kept in a proper state of repair. It is of the utmost importance, that the direct communications between such towns should be preserved complete, since so much depends on the facility of conveying the produce of the soil to where it can be disposed of. I know lines of this kind, even in populace parts of the country, which for several years have been almost impassable, (and totally so for carriages of any description,) during the winter season, while portions of new road have been extending in the same neighbourhood, in directions of little general utility; because the overseers, to whose care, (from the absence or neglect of a more intelligent and disinterested superintendence,) the roads have been

committed, find it more for their own or their connection's advantage, to obtain presentments for new roads, than for the repair of others which would be more occupied; and they cannot readily obtain presentments for both purposes. The great number of portions of new road which have been made, and not intended to be connected with any other road to render them useful, and remain covered with grass-sward, or where they are only of private convenience, are incredible, and can only be known to those who have occasion to explore the unfrequented parts of the country. These abuses are become so frequent, that Grand Juries have latterly been less liberal in granting presentments for new roads, seeing the former, and more useful, lines, in such imperfect repair; but even this has not lessened the evil much—for the presentments are requested as for *repairs*. If new roads, in useful directions, could be made for the amount of repairs, no great loss would accrue; but the sums obtained under this pretext are too generally expended in opening new roads, which require many additional grants to render them passable for carriages. The important clause in accounting for the repair of roads, that they are "safe and level throughout, &c." is overlooked as a mere matter of form; the overseers who must swear to this, compromise by alleging the great saving of new roads being made for the price of repairs;—but to point out all the modifications of this evil, would much exceed my present limits.

Where new lines are necessary, the manner in which they are laid out and conducted is frequently so discordant and irregular, that they are not obtained sufficiently level; the work is so divided, or rather frittered down into many insignificant parts, from

being made by trifling progressive elongations, under occasional presentments, by so many different overseers, that nothing to the purpose can be reasonably expected from their application, however faithfully the money may be applied. There are also so many jarring interests to reconcile or surmount, that the extension of a new road is generally attended with many disagreeable circumstances, so that the attempt is often given up, or left to be carried on by persons who either want skill to conduct it in a proper manner, or who pay too great a deference to private accommodation:—in confirmation of these remarks, I have at present lying on my table, the letter of an intelligent country gentleman, of the same import, relative to a line of road on *his own* property:—his words are, “the mandate of a Napoleon would be requisite to procure its being taken in the best direction: under our government the rights of individuals are more respected; every cottage presents the resistance of a castle, and every inclosure is a line of circumvallation, which is impregnable; this has occasioned the levels to be departed from, in my efforts to please the cottagers, through whose tenements it is directed—and from whom I received a lesson of forbearance, in the conflagration of thirty-two stacks of my corn and hay on the night of——:”—And in another letter, he says, “I have seen roads made, where they might have been formed with an ascent and descent of one foot in thirty, formed in a line nearly approaching a perpendicular; because, an oblique direction was resisted; these are obstacles which are insuperable to individuals, and can only be removed by a regular survey, map, &c. as prescribed by law.” But any road laid out by the existing acts, must be, at least, thirty-two feet wide in

the clear, which occasions too great an expense and waste of ground, to be adopted on many very necessary roads. Some observations on the width of roads will be given in the next Section. I may here remark, that the breadth of roads should be proportioned to the traffic for which they are to be employed ; this is not sufficiently attended to, for the waste of ground occasioned by the superfluous width of roads, is an error of considerable magnitude, not only in occasioning an unnecessary out-lay in purchasing it, or in making the road in the first instance, but in the annual loss ever after ;—" for if a road is one perch wider than is necessary, there is a waste of three hundred and twenty perches in a mile, equal to two acres of ground," which, at the rate of £3 per acre, *would, if the road had been once well made,* assist materially in keeping it in good repair. In many remote places, where the traffic is inconsiderable, and the lands are mostly occupied in pasturage, roads twenty-one, or twenty-five feet, in width, would answer every necessary purpose, as well as if they were double the breadth.

As a preliminary step to assist in procuring the new lines of road to be laid out in the best and levellest directions, by allowing the occupiers of the lands through which it may be found necessary to carry them, fair and equitable remuneration for the damages which they may thereby sustain, under the provisions of the 36th, c. 55, § 17, of the present reign, the width specified in this act should be reduced from thirty-two to twenty-five feet, or twenty-one feet, at least ; and no new road allowed, of which a regular survey, showing the levels, &c. has not been made, and the proper notices, &c. served. Every new road,

on being presented, to be laid down on the county or barony maps, and no repairs should be granted for any road which is not so laid down; at present, the Grand Juries have to grant repairs for roads, of whose situation, importance, &c. they can have no correct idea. Such an arrangement as that here suggested, would tend to check the multiplicity of new roads, and restrict the number to such as were really useful, or at least to insure their being so conducted as to be of adequate service to the public, who are to bear the expense. I am aware that an arrangement of this kind may be objected to, from an apprehension, that it would tend to the additional expense of paying damages for a description of roads which are at present seldom allowed for; but surely it would not be ultimately more expensive to pay the amount of damages for ground to carry the roads in proper directions at once, where they would be of general service, than to be at the expense of making roads in improper directions, where they are of little or none; and, besides, roads are often allowed to be carried through grounds, from an understanding between the occupiers and the overseers wishing to have them so carried, that the former shall obtain presentments for making the roads so fraudulently, that they pocket much more of the public money than if they had been allowed fair and equitable damages at once; although it must be admitted, that some more effective controlling power is much wanted to check the artful schemes by which exorbitant damages are procured. If Grand Juries had to present damages for new lines, in order to insure their being carried in the proper directions, they would be less inclined to present any that were not likely to be attended with advantages equal to

the expense. Proprietors wishing to improve their estates, might reserve a power of opening new roads through them, on certain equitable conditions, so that the individual interest of their tenants might not be thereby injured. By the 36th, c. 55, § 14, Grand Juries may present 6d. per perch for laying out roads; whether this was intended for surveying, leveling, &c., or merely for marking them out on the ground, after having been ascertained, is not specified:—I presume the latter was intended. But for many years I have been extensively employed in designing and taking levels, &c. for intended new roads, at the request of Grand Juries, for which this allowance has been given; and in those counties where I have been most frequently employed, the Grand Juries are so convinced of the advantages and utility of such a precursory survey, &c. that few lines of new roads are now presented without it. The allowance of 6d. per perch, however, has most generally been granted, merely to mark out the roads on the ground; and very many of those have been conducted in a manner which show that the intention of the act was to employ persons of more science than those to whom such works have frequently been entrusted. I have been employed to survey and lay out lines, in order to avoid steep declivities, over which lines of road have been carried, within a few years—to which the description of the late Lord Bellmont, in his tour to Killarney, might be correctly applied, viz. “All acclivity and declivity, without horizontal intervention.” In many parts of Ireland, considerable attention has been bestowed by spirited and intelligent resident gentlemen, to improve the common roads of the country, by altering them in directions to avoid the declivities

on the former lines ; but in too many instances, the attempts have been less perfectly conducted than they otherwise might. Hence, we find roads, made within a few years, changed two or three times at one place ; every new direction a little better than the former ; and several changes are made, before the best possible line is adopted. This shifting is occasioned either by the humour or ignorance of the persons employed, and is the cause of much unnecessary labour and expense. Were the management of roads left more to persons who would choose, in the first instance, the best line, which is often evident to those who have no bias to select it for them, the future labour on that road would be usefully applied.

The subject of laying out roads is one of great importance, for unless they are laid out in proper and level directions, no adequate advantage can be derived from their being made in the best manner in other respects. But by being properly laid out at first, every subsequent expenditure on them will be of correspondent advantage ; and the waste of further expense in altering them, avoided. The additional cost of damages, in the first instance, which is sometimes, though not always, incurred, in having roads so laid out, would soon be repaid, according to the old adage, " work well done, is always done." Economy is of importance, unless when it descends to parsimony. I have endeavoured to show that the new roads, in some parts of Ireland, are more numerous than the circumstances of the districts require, and much more than their funds can keep in proper repair ; and it is evident, that a number of bad roads are little superior to none at all—one good road, in proper repair, being better than twenty which are

impassable—and that more attention is wanted in some places, to insure, at least, one good road connecting the market-towns. In order to check the evil, which, in many counties, is of great magnitude, no presentments for new roads should be granted by Grand Juries, unless a survey, shewing the levels, &c. has been laid before them, in order to point out the utility of such intended new roads—that the provisions of the present acts ought to be extended to roads of a less width, viz. from thirty-two feet to those of twenty-one, or twenty-five feet wide, in the clear, where such width is sufficient for the traffic; and that, in order to insure such regulations being complied with, and to prevent presentments being obtained for new roads in improper directions, under the name of *repairs*, that no repairs should be granted for any new roads which are not laid down on the county map, that their utility and circumstance may be known to the Grand Jury. See Appendix. (21.)

Making New Roads. To point out all the frauds and improprieties practised in forming, draining, and making of roads, would be to detail the numerous operations of the art, which is not the intention of the present remarks,* being intended chiefly to apply to such details as are capable of being specified, and taken cognizance of by the legislature. The opinions as to the most eligible *form* of roads are so numerous, or rather must be varied, to suit the circumstances of soil, &c. that no precise form can be specified in acts by the legislature; but considerable advantage would accrue, if any regulation could be enacted to insure roads formed along sloping grounds being finished sufficiently level, and where the declivity is

* See Notices at the end of this work.

steep, that they should slope more towards the hill than to the descent; for roads formed along such grounds are too generally left with a slope from the hill side, so that the water passing from the higher declivities, flows over the surface of the road, keeping it wet, to the great injury of the materials, by which frequent repairs are wanted, and the roads rendered dangerous during frost—but the most material neglect is the want of proper *drainage*. When roads were formerly made with gipes or drains next them, although such were dangerous, yet they tended essentially to render the roads durable, keeping the sub-soil dry, and furnishing a ready vent for the surface water. Now that roads are formed with the fences next them, the drains are frequently omitted, particularly on the side next the bank, on roads which are carried along sloping ground, where, in fact, drains are most necessary. Since roads were more generally carried along the base and slopes of hills, where springs so frequently burst out, from the want of drainage, they are less durable; there are very many roads, which, from this neglect, require double or treble the expense to keep them in repair, that would be necessary if they were properly drained, and this is a source of expense far from being limited, but extends to a considerable proportion of the roads throughout the kingdom. For if the sub-soil is not naturally dry, or rendered so, the hardest materials will fail to make the roads durable, because they will continue to sink in it; and if the materials are of a soft or friable nature, they will be reduced to *mud*, or, at least, render the roads heavy and tedious. As every situation, however, does not require attention of this kind, from the sub-soil being naturally dry, &c. it

would be absurd to enact any general regulation for drains; it is certainly practicable to enact such as could be adopted where necessary—but there must be some superintending power to point out and ascertain the cases in which they may be so; and no presentment should be granted for stoning or graveling any road, unless stated, upon oath, that the necessary drainage has been made. Sufficient attention is not bestowed to prevent the roads being injured by *surface water*; “especially upon the sides or slopes of hills and mountains, from the want of sufficient gulleys or pavements for conveying the water across the road from the upper to the lower side, at such distances as would prevent the accumulated run of water in the upper side from having sufficient force to cut the sides of the drains, (or water tables,) and thereby to undermine the road, as is so universally the case at present.” In such situations, drains are wanted at some distance above the road, to intercept the water from descending, so as to injure the road, and convey it to the nearest bridge or other outlet. The destruction of roads in the hilly and mountainous parts of the country, by such neglect, is very general and considerable; but it would be difficult to devise any legislative remedy—it must be effected by some local superintendence.

Under the present acts, the number of feet in the width to be made or repaired with stones, must be stated in the presenting and accounting affidavits; but this is not sufficient; the depth of the materials is not required to be specified, which ought to be the case, and might be done with as little trouble as the former, and would furnish a considerable check where it is much wanted. In making up Post road esti-

mates, the weight of stones, &c. is specified—one cubic yard of well broken lime-stone being about one ton; a perch of road twenty-one feet wide, covered three inches deep, would require four tons, or about eighty *bushels*; the proportion between the weight and measure of any other material could be readily ascertained, also the expense and value per bushel. Estimating by weight, would be preferable; but though weighing machines could not be procured in every situation—a bushel may be easily obtained. If the quantity of stones or gravel by this measure was to be stated in the affidavits, frauds could be more readily detected, which cannot be done with equal ease and certainty under the present arrangement. But a superintendent is wanted to examine the quality of the materials which are frequently those most readily obtained, though the money allowed is sufficient to procure others of a more durable and better quality.

The exemption for roads through bogs, as in page 88, seems of dubious intention; that roads made through bogs should not be travelled upon until they have had time to settle and consolidate, is of very essential service; but when finished, they ought to be “safe and level for carriages to pass and-repass.” Although it may be proper to defer their being travelled upon for some time, for the reasons just stated, advantage is taken of the present exemption; and roads through bogs are accounted for, though so imperfectly finished, that they are not passable for carriages until repeatedly repaired—I have known some, four times so repaired. This clause of the act ought, therefore, to be limited and better defined.

Widening Roads. In order to insure roads being

properly widened, and obtaining ground for this purpose, the provisions of the 35th, c. 55, § 2, as in page 89, should be altered from thirty-two feet to twenty-one or twenty-five feet wide in the clear, as suggested for laying out new roads;—see further observations on filling drains.

Lowering Hills and filling Hollows. The provision under the present act, for those purposes, as in page 89, are highly beneficial, because in many situations such cannot be avoided, or, at least, with propriety; but as this is generally the most expensive and least effectual improvement, in proportion to the expense incurred, it ought to be more restricted to cases where it is unavoidable; and because the money is so frequently injudiciously and fraudulently expended. Of a very great number, at least upwards of one hundred, works of this kind, which I have measured, and examined the overseers, I never found more than two or three of them capable of ascertaining such works by cubical measurement. A sum at random is generally asked for cutting so many cubic yards of earth, (because it is more likely to be granted, being levied off the county at large,) and the work is carried on until the sum is expended, whether fairly or otherwise; if fairly expended, the evil would be inconsiderable; but the improvement almost uniformly falls far short of what was promised or anticipated. I presume, that persons conversant with affairs of this kind, know many hills and declivities, for the reducing of which immense sums have, time after time, been expended, without any adequate improvement—often the contrary; for in cutting hills, springs of water are opened without any attention being paid to carry them off, or the work left unfinished, and the

new surface, for a long time, is almost impassable. Ignorant or interested overseers, and, indeed, even persons who ought to possess more intelligence, are apt to consider the reducing of declivities as a work of no great difficulty, or that by some trifling, though expensive amendment, the obstacle may be removed. In numberless cases where I have laid out level lines, to avoid declivities, persons of this description, without being capable of ascertaining the fact, by putting it to the test of actual measurement, have persuaded Grand Juries, that for the expense of the proposed new lines, they would undertake to reduce the declivities on the roads to be avoided, to the same levels as the proposed lines, by cutting, &c. In such cases, I have suggested the propriety of binding the contractors, so that if this was not effected, they should forfeit the expense; but this not being done, I could mention several cases where the money has been expended and paid without any adequate advantage, for the principal declivities upon them still remain—which under some more intelligent direction, at a future period, may be avoided or finished. This and many other cases in point, might be adduced, to shew how useful a person of competent acquirements would be to direct works of this kind, and detect such wasteful conduct.

In one county I detected a practice of obtaining presentments for removing earth by the square yard, by which was understood only one-third of cubical measure, though the price was estimated by the latter; but the Grand Jury have very properly entered into a resolution, not to present but by cubical measure for such work.

Building Bridges, Pipes, Walls, &c. The plans

annexed to the affidavits for building bridges, &c. (as in page 90,) which ought to specify the dimensions of arches, abutments, &c. are generally mere outlines to conform to the letter of the statute, without answering its intention. Pipes and gulleys, unless made of such dimensions that they can be cleaned out, are a constant source of expense, by requiring to be often rebuilt, particularly in situations near bogs, &c. where they are apt to fill up. On mountain and hilly roads, *pavements*, properly constructed, (see appendix 22,) would be much less expensive, more durable, and more effectual, as they would allow the accumulated run of water from the drains and grounds on the upper side of the road, to pass off more freely, and with less injury to it, than the pipes or gulleys usually employed. WALLS are a fruitful source of fraud, and improper expenditure, not even taking into account the many gardens, yards, nay, even some demesnes, inclosed for individual convenience, at the public expense, under the name of "*Road defendant Walls*;" being often obtained where they are little wanted, or in situations where embankments of earth would be cheaper and more permanent. In the first estimates I formed for roads in Ireland, I specified and estimated for the same kind of embankments of earth which are generally adopted in Britain, when practicable—as in carrying roads across hollows, at the ends of bridges, &c. But from the difficulty of obtaining grass-sward, without exorbitant damages, and the little care bestowed in their construction by overseers, who had a much greater interest in getting mason-work built to support the fillings, &c., walls were obliged to be afterwards added; but the additional expense is very considerable, for from the moment a

wall is finished, the progress of decay and ruin commences : rain, frost, and the assistance of human exertion in removing the materials for some private use, or in aiding dilapidations which may produce employment in repairing them again, create a constant source of expense ; on the contrary, an embankment, whose sides have been made of a proper slope, and with care, when once thoroughly covered with grass-sward is very imperishable—witness the *raths*, *tumuli*, and other earthen constructions, which have survived the storms of centuries, when the baronial castles of chieftains, of a much less remote date, are fallen, and in many cases, have not left a wreck behind. Were practical persons employed to superintend county works for the Grand Juries, various improved and economical modes of executing the works, might be adopted. The walls built for the support of steep banks, and fillings at bridges, &c. from the fraudulent workmanship, are often unnecessarily expensive, or from improper dimensions, not sufficient to sustain the weight, and are often tumbling and rebuilding in succession—instances might be given of walls being rebuilt four times in six successive years. From my own observations and experience, I am inclined to think that there are more frauds practised, and more public money wasted, from ignorance and improper execution in *masonry*, than in any other kind of county work ; and the reasons are obvious. The grants are more liberal for them, being levied off the county at large, and few are competent judges of the real quantity and quality of the work done ; for masons are employed to measure and estimate work ; they swear to the value and extent of what will be necessary for the particular purpose, and an overseer

is appointed to superintend the masons, who are either allowed for their trouble in measuring, &c., or are themselves the workmen who execute the whole—or as much as they think proper ; for they have not, in most cases, to swear again that the whole work estimated was executed ; but the overseer must swear to that effect, who, in ninety-five cases out of one hundred, is incapable of ascertaining the quantity of mason work by measurement ; such overseers may be, in other respects, honest men, but see no harm in swearing on the report of the builders. In the county of Antrim, and a few other instances, the Grand Jury, or rather some active magistrates, oblige the masons to swear to the expenditure ; but this is by no means the case in general ; the masons, in other cases, obtain undue gains without perjury, and that by no collusion or fraudulent intention on the part of the overseer, who does not consider that he should be competent to ascertain work of this kind. These remarks are not conjecture, but the result of my having had occasion to measure works so accounted for in several hundred instances. When any collusion does exist between the overseers and builders, the fraud is still more considerable—insufficient mortar, &c. is used, hence the great proportion of bridges, &c. which are almost every where more or less ruinous. I have found masonry executed with mortar, which might be more properly termed *mud*, and the works actually fallen, without any accident, before the assizes were finished, at which they were accounted for. In contracts for other buildings, the proportion of lime and sand is generally specified ; it should be so in all presentments for county works. But the many frauds practised in this and other kinds of public works,

cannot be detected, and the regulations enforced, without some more effective superintendence than exists at present. In order to insure all kinds of *masonry* being properly done, the persons executing the work ought to be bound in a sufficient sum, under proper securities, to keep the same in repair for, at least, four or seven years;—fewer bridges, &c. would then become ruinous in the same or following year in which they are built, as is frequently the case at present.

Repairing Roads. On this branch of the subject, much might be said—amendments on the present law have been long much wanted. No presentments for the repair of any road should be allowed, until it is ascertained that it is properly drained; as for want of this necessary improvement in wet situations, the frequent repairs, which occasion so great an expense, would be lessened. The clause, “that there is a sufficient passage on each side of the road, to prevent the water from injuring the same,” is considered to apply to the surface water only; and even as to this, the neglect is by far too common. The quantity of materials should be specified by *measure*, as already suggested, for making roads. The presentments for occasional repairs, as in page 92, which does not require any particular width to be stoned or graveled, is often taken advantage of by dishonest persons. If the quantity of materials to be laid on the road, was specified by measure, the precise extent of the repairs would be more easily and accurately ascertained. In a proposed bill of 1812, for the amendment of the Irish road acts, it was intended, “that every affidavit for accounting for the repairs of any road, should state, that the parts of the road so repaired, were, in

“the opinion of the deponent, those parts which were
“the worst, and most required to be repaired, be-
“tween the given points specified in such affidavit”
—it is hoped, that it will yet be passed into a law. At
present, numerous roads undergo frequent repairs;
yet the worst places on them are allowed to remain
impassable, because it is much easier to repair what
is most convenient to the materials, or which require
least labour; by this means, little advantage is de-
rived from the money expended on them; and this is
not confined to one county or province, but is general,
particularly in mountainous and remote parts. I
know roads for which more money has been ob-
tained within five years, under the pretence of *repairs*,
than would have made them complete at first; yet,
during that time, they were useless, from the im-
passable breaches being left unrepaired. Instead of
procuring proper materials, and repairing the roads
with small stones or gravel, as required by law, very
many are repaired with *great stones* and *clay*; the
stones are often actually rejected, because troublesome
to break; and the clay, or bad gravel, which accom-
pany them in the pits, used in repairs, or the soft and
friable part of the quarry. Would it not be proper
that the accounting affidavit should also state, that
the best materials have been procured for the sum
allowed? but some general superintendence is wanted
to see that they are so. All persons repairing roads,
should be obliged to enter into a contract to keep
them in repair for, at least, two years; in several
situations, where the roads are not much occupied,
to keep them in repair for a longer time. Overseers
are in the practice of requesting repairs for forty
or fifty perches between points some miles asunder,

and this is not always done to save the expense of stamps, but that those repairs may be less obvious; and as several similar presentments are frequently obtained by other overseers, between the same points, it is not easy to bring the frauds discovered home to the offender.

Repairing Roads by Contract, is an excellent mode when properly attended to, and is found so advantageous, that the practice is yearly extending; but it is too frequently the case, that the contractors consider the amount of the contract more as a sinecure salary than for the payment of work, and do not expend the money. If the contractor fails to keep the road in proper repair, it is not enough that he forfeits the sum contracted for, because that does not make up for the injury the public thereby sustain. Every contractor should be required, by law, to enter into an obligation for at least double the amount—to be forfeited toward the repair of the road, on his failing to repair it properly himself. The bill just mentioned, contained several clauses relative to the repair of roads, by contract, one of which was, “that if it should appear to *** justices of the county, that the road so accounted for was not in sufficient repair at any time within *** months, from the time of the account being passed, it should be lawful for such justices’ to order the overseer or contractor, to perform the necessary repairs, and on their neglect of the justices’ order, the latter might cause the same to be repaired, and recover the costs from the overseer, &c. by civil bill or bills at the sessions.” But until proper persons are appointed, whose business it shall be to see that the contracts, &c. are fulfilled, many frauds must prevail.

If the battlements, or range walls of bridges, &c.

could be more generally kept in repair, under the act mentioned in page 94, a great saving would accrue. In many parts of the country it is rare to find the walls of bridges entire—mischievous persons find a barbarous gratification in throwing them down, and more, that they may gain by their future repair; and in parts of the country where good building stones are scarce, the stones are taken to assist in private buildings. I have known the principal materials of a fallen bridge to be carried off for such purposes, between the summer and spring assizes. Keeping county works in repair, by contract, when fairly done, is certainly of great advantage; but various contracts of this kind are obtained at a rate greatly above what it ought to be:—repairs about court-houses, &c. whether by contract or otherwise, are often exorbitant, because no one individual has any very immediate interest in seeing that they are properly done. In counties where attention is bestowed by some public spirited individuals, it is very different—and for this purpose, also, a general county superintendent is wanted.

The regulations for *obtaining materials*, as in page 94, are fair and equitable; but frauds to a great amount are practised, and most exorbitant damages often obtained, for trifling injuries, which must be the case until it is made the business of some inspector to investigate and take cognizance of such frauds.

From the facility of obtaining presentments for *wide* roads, those for *narrow ones*, as in page 96, are not so often requested as they ought to be; the latter would be sufficient for many remote parts of the country. The arrangement for *stopping up old and unnecessary roads*, does not appear to want or admit of any amendment.

Making Fences. In the proposed bill of 1812, one clause was, "That when any ditches were to be made along any road, by presentment, that the banks of such ditches should not be less than a specified breadth at bottom, and a specified perpendicular height." The present acts allow 1s. 6d. per perch for fences, and that is generally granted for every situation, although the fences accounted for are not always of sufficient dimensions for the money; when the rate is fixed by law, the dimensions of the work should also be specified; but as the drains of the fences are generally of as much utility to the roads as the banks or dykes, their dimensions should also be specified.

Filling Drains, &c. In addition to the specifications relative to these, as in page 97, it would be very beneficial that the accounting affidavit should state, that when drains or trenches have been filled up, and the banks of the fences turned next the road, that sufficient drains have also been made on the field side of such banks, in lieu of those which have been filled, and sufficient gulleys made for allowing the surface water to pass into such drains. It was already remarked, that the open drains along the sides of roads, although dangerous in other respects, tended to render the roads dry and durable; the surface water found a ready vent, and the sub-soil was drained; hence it is, that the widening of many roads, and filling the drains and trenches, have been more injurious than beneficial, from neglecting to make proper drains on the outside of the new fences, particularly where the roads are carried along steep and sloping grounds; and the escape of the surface water too is much neglected, occasioning it to lie upon, or overflow, the roads, to their great injury—and their drains

are too generally neglected to be scoured and kept open.

As the rate for *foot-paths* is limited, as, in page 97, their dimensions should be also limited, as has been suggested for fences; from their being so frequently made in an insufficient manner. Too little attention is bestowed to make them along the sides of roads, where they would be most dry and sheltered, being often made along steep banks, as most easily raised where the materials are on the spot; but from the spongy nature of such banks, or their tending to crumble with every winter's frost, the foot-paths are either soon rendered useless, or very inconvenient and dirty. Foot-paths are of essential service, especially near towns; and more particularly in Ulster, where the great body of the population are employed in the linen manufacture, and have so much occasion to frequent markets. As so many contribute county tax, who do not occupy roads with horses or carriages, it is but reasonable that they should enjoy such conveniences in return.

Overseers of roads were originally to be chosen by the parishioners; afterwards a *skilful* person, called a director, was appointed to conduct the works, under the cognizance of the overseers: by the present law, it is very properly left to the Grand Jury to appoint them, but the appointment rarely originates with them—the proprietors or agents of the estates being generally named in the presentment, in addition to the person who is to account for the expenditure. Too little attention is paid to select competent persons as accounting overseers; that the persons who must necessarily be appointed as such, should be in every respect qualified, is not to be expected, (because their oppor-

tunities of obtaining information are limited,) or be always faithful in the discharge of their duty, when so many local connections exist to bias them: it is rare to find them even so competent judges as they ought to be, of the execution and measurement of the works. The general overseers, whose names are also inserted, are frequently those of persons who never crossed the Irish Channel, from England, or what is the same thing, never visit the county in which they are stated to be overseers of its works;—even ladies have been honoured with the appointment. I have been informed, that in a northern county, presentments were for several years obtained in the name of a certain lady, from the death or removal of the other persons; and that she alone remained as overseer, until another was appointed, or the money re-presented. I believe that the *general* overseers are understood to be the persons who request and receive the presentment, and as such it is necessary that their names should be inserted; but it is certainly the intention of the act, that every person named as overseer, do actually examine the work, or be satisfied that the money is fairly expended, because persons are in the common practice of inserting the names of respectable individuals, who themselves know nothing of the matter; and the Grand Jury pass the presentments, as if they were really for the advantage, or at the request, of such persons; and when the misconduct of the accounting overseers become the subject of discussion, a stigma is often thrown upon the other persons named, which they do not merit, being strangers to the transaction. Let the names of the persons who receive and request the presentment, be inserted; but other persons, who will

have it in their power to see that the work is properly done, should also be inserted, in addition to these and the accounting overseer. It is by this neglect, that so much fraud and misconduct originates. No presentment should be granted without a certificate, signed by such general overseers, that the work was necessary; and no accounting affidavit passed without a similar certificate, stating that they had viewed the work, and that, in their opinion, it has been well executed, and that the money presented has been fairly and honestly expended, pursuant to the presentment made for such purpose, as was recommended in the proposed bill of 1812.

It was owing to the evident want of some controlling power over the common overseers, that an act was passed for the appointment of *conservators*, as in page 99. The object, as there mentioned, is excellent; and if the duties were attentively and faithfully performed, they would have been of most essential advantage. General road laws can be seldom made applicable to the circumstances of a whole kingdom. Some counties contain ten or more baronies; others, of nearly the same extent, have double the number of roads, and contain only four baronies; so that different salaries, &c. should have been specified—but this was not of primary importance. In most counties, the appointments were made more from interest than integrity or qualifications; and the result has been, as in every similar case—the object defeated, and an expense incurred without any adequate advantage. For the appointment of persons who were incapable of detecting frauds, (which, in most cases, can only be done by an actual measurement of the works when suspected,) whose previous habits and lo-

cal connexions, unfitted them for such a situation, has really, in some instances, been the means of increasing the evil intended to be remedied. Of so little utility were conservators found to be in many counties, that they have been entirely dispensed with. In a few instances, they might have been found useful; but in other counties, where less care is taken of the public money, they have been continued.—I have no hesitation in asserting, in some cases, that they are little better than mere sinecures. It has been sometimes alleged, that it was unsafe for a conservator to do his duty, if he wished to retain his situation—I would hope not often. The following I have from personal knowledge:—Some gentlemen who were anxious to check the prevalent abuses in their county, thought the appointment of an individual, as conservator over two baronies in it, would be of public service. This individual so far endeavoured to do his duty, that he examined the greater part of the works on the ground, previous to the assizes, and furnished a report of their state, &c. to the Grand Jury, and assigned his reasons in court, for traversing a number of the accounting affidavits; on which occasion the presiding judge was pleased to say, “that he deserved the thanks of the county, in addition to any remuneration they might grant him.” It was afterwards rumoured, that some pecuniary interests were affected; and as the salary was not an object of importance, he considered it fit to resign; for unless he was supported and countenanced, his services could not be of such essential utility as they might otherwise have been.

The Nuisances and Offences on public roads, have been detailed in page 100. The regulations relative to these, are simple and salutary; and the whole ar-

rangement excellent; but unless on the roads in the more immediate neighbourhood of active magistrates, this excellence is too generally confined to the statute book, and not recognised in practice, because the laws are too seldom put in force. I believe few magistrates can boast with a late writer, who says he lived half a century "where six great roads met, and that he never had occasion to exercise his authority in support of those regulations"—he had merit, if persuasion would answer; I find most magistrates complain, that both are generally ineffectual. In remote situations, the roads are often greatly injured by persons digging and carrying away the sides for manure or compost; and in every part of the country they are more or less injured from passes into fields, turbaries, &c. from the want of pipes or gullets underneath them, interrupting the course of the water. To the many excellent regulations already specified, I shall suggest the propriety of adding a few others, especially against allowing *stones*, &c. for the repairs of roads, to remain so long in heaps, as is frequently the case; and against *hedges* and *plantations* being allowed to injure the roads.

Stones, for the repair of roads, should be broken or otherwise prepared, before being laid on them, and spread with as little delay as possible. On several roads, the repairs of which are otherwise well managed, heaps of broken stones, for repairing occasional breaches, are allowed to remain, to the great annoyance and danger of travellers. But a still more prevalent and dangerous practice is, to collect the unbroken stones and other materials for repairs, which, to increase the inconvenience, are piled in rows on each side of the road for many weeks, and even

months, with so narrow a space between, that it is with difficulty carriages can pass each other; and many serious accidents occur, particularly to persons and carriages travelling by night. The following clause of the proposed bill, of 1812, ought, therefore, to be enacted, viz.—“That whenever any heap of stones, for the repair of any road, or otherwise, shall remain within *** feet of the centre of the road, for more than *** hours, without being spread or removed, it may be lawful for any justice of the peace, either upon his own view, or upon satisfactory proof, to *fine* the acting overseers or other persons engaged in the repair of such roads, or the persons who may occasion such nuisances, in any sum not exceeding *** shillings for each offence.” That such regulations may be made effectual, it would be further necessary to extend the power and provisions for obtaining materials, to the obtaining of convenient places in the adjoining lands, on which to deposit materials; to be employed for the repair of the roads, (until they can be spread,) out of the reach of carriages; also as depositories for the scrapings of roads, which should not be allowed to remain in heaps so near the centre of the roads as is so generally the case at present.

The general statute labour act, which was noticed in page 43, and the 13th of George II., in page 56, and even the 5th of his present majesty, enacted in 1765, as in page 75, contained clauses against *hedges* being allowed to grow on the sides of roads above a limited height, and against *trees* being allowed to overhang and injure roads. Such are still considered as nuisances in the laws relative to the preservation of the roads in Great Britain, which we have seen are inferior, in most respects, to those which constitute

the present system in Ireland. But why the clauses here alluded to, should have been entirely omitted in the Irish Road Act, of the 36th of his present majesty, when all the other beneficial clauses were either retained or substituted, I am at a loss to conjecture. Plantations and hedges are not so common in Ireland; and the natural dryness of the soil, in general, which counteracts the effects of a humid climate, do not render the neglect of such clauses of the same extensive injury, as would otherwise be the case; but there are many roads which are most materially injured by high hedges and trees being allowed to overhang them, and thereby require double the expense to keep them in repair, than if they were in a more open state—and besides, they intercept the passage of coaches, &c. with high loads. High hedges and trees, skirting the sides of roads, keep them constantly deep and filthy, and should not be permitted; every hedge should be kept clipped to four or five feet. No plantation ought to be placed so near the road as to occasion wet or damp, by preventing the sun and wind from having their due effect. It is also proper, that every road should be kept so clear, that it may, in any season, become dry in a few hours after rain. It is almost impossible, by any other means, to remedy the defects of roads excluded from exposure to the sun and wind; for the evaporation, and drying effects of heat and ventilation, are more powerful than any surface drainage which could be accomplished. The legislature ought, therefore, again to enact regulations similar to those formerly in force in Ireland, and which are still in force in Britain, for limiting the height of hedges, and the distance of plantations on the sides of the public roads, (particularly on the

southern sides,) proportioned to the breadth of the roads that they skirt. The mud or suillage which accumulates upon roads, or that brought on them from the adjoining fields and ways, or from the softer parts of the roads, or that created by attrition, if not carried off by the sweeping power of the winds, must, on all roads, unless those of considerable declivity, where a current of water may perform the operation, in wet weather, form a sludge, which, besides being injurious to the roads, and annoying to travellers, from its adhesion to the wheels, and increasing the draft much more than is generally supposed. Although I am fully satisfied of the injury which roads sustain from the want of such regulations, I do not pretend to say what particular form or clause of restriction would be preferable, or what penalties are most likely to prevent the same being neglected or evaded. Some extracts from the reports of the committees on the highways in England, are given in the Appendix, (22,) which, with the acts formerly in force in Ireland, may assist in framing clauses for this and similar regulations to be inserted in a subsequent act. As many parts of Ireland are without active magistrates and resident proprietors, to take cognizance of frauds and nuisances committed on the public roads, some general superintending power is wanted for their preservation and amendment.

The present mode of accounting and levying the expense of roads, &c. has been detailed at considerable length in this Section, in page 104, in which several amendments have been suggested, viz.—that the head overseer, or some proper person appointed for the purpose, should certify the necessity of the estimate of every presentment requested for county

works; and that in accounting for them, a similar inspection and certificate of the works having been properly executed, should be required. That no presentments be allowed for new roads, of which a proper map and section has not been laid before the Grand Jury, and no repairs for any roads, which are not laid down on the county or barony maps. That the quantity of materials for making or repairing roads should be estimated by the *buskel*, or other specified measure: and in order to insure the works being formed in a more durable and substantial manner, that the contractors or persons executing them, should be obliged to enter into proper securities for keeping them in sufficient repair from the time of their completion—say for roads, from two to four years, and for bridges, &c. from four to seven years.

The *applotments*, by which the county tax is at present levied in many parts of the country, are far from being equitable, from the many subsequent changes which have taken place. In 1816, a petition from the inhabitants of part of the county of Londonderry was laid before parliament, praying for relief from the inequality of the county tax, arising out of the very distant period of time, and unsettled state of the county, when the present arrangements were devised, and which required immediate and ample attention; and that the county tax had been before regulated at three several periods during the last century, viz.—9th Anne, c. 9; 1st George II. c. 13; and 33d George II. c. 8. The report of the committee thereon recommended a new survey and valuation; &c., of indispensable importance; and a bill was afterwards brought in for obtaining a new survey and valuation of the whole kingdom, but it was not carried.

Of the *miscellaneous regulations*, mentioned in page 114, I shall only add a few remarks on the subject of *County and Road Maps*. Most of the counties in Ireland have been recently surveyed; but several still require to be surveyed for the purpose of obtaining maps, which are so essential to assist Grand Juries in applying the public money in the most beneficial manner; and proper provision should be made for having every new road, and those for which repairs are requested, laid down on the maps. At present an unnecessary expenditure is incurred by presentments being obtained for numerous roads, with whose situation, or the utility of which, few are acquainted. But before a complete system can be carried into effect, either from the principal roads being made a great national concern, by the appointment of a superintending power, or in the course of the next half century, when more enlightened ideas shall render it more obvious, that the interest of both proprietors and tenants require that the roads should be made and repaired in the most effectual manner, at the least possible expense; county and barony maps alone will not be considered sufficient; but minute maps of *each road*, accompanied by accurate sections, exhibiting their declivities, &c.—their width—houses and buildings on each side—the hamlets, villages, and towns to which they lead—the hedges, ditches, drains, and plantations which skirt them—their proximity to mills, manufactories, gentlemen's seats, &c.; also to quarries and gravel-pits. A book, or report, should accompany each map, explaining the advantages and disadvantages of the old roads, and pointing out judicious improvements, referring to the places where materials can be found, their distance from the road,

with their cost at the quarry or pit, and rate of carriage, so that the expense of making or repairing may be accurately ascertained, with plans and estimates of sewers, drains, walls, pipes, bridges, &c., and whatever is necessary to form working plans for the overseers. As elegance would not be necessary, the engraving and printing of such maps and reports would be inconsiderable, and the advantages incalculable, by furnishing every magistrate, &c. with documents, which would assist in aid of improvements, and in checking and detecting frauds. On these maps, any proposed new line or alteration could be marked with a pencil, and considered at leisure; and no other arrangement would furnish such important assistance and direction to Grand Juries, in appropriating the public money, particularly if aided by a resident county engineer, to give explanations, &c.

“Beside the present convenience of such maps and books, and the tables connected with them, their utility would be durable; and if memorandums were kept of what was done from time to time, and under whose inspection, a laudable emulation might be excited, and one general view of neglects and improvements would be within reach of the public.” The utility of such maps, &c. have been proved in the arrangements adopted for the improvement of the Post-Roads in Ireland, which I now proceed to detail in the following Section.

 SECTION IV.

Progress of the Post-Road System in Ireland.

THE POST-ROAD acts, for **IRELAND**, differ in so many particulars from those of the common **PRESENTMENT** system, as already detailed, that it will be proper to treat of them as if quite distinct.

Although many of the leading lines of road were kept in good repair, from the mistaken ideas, or little attention bestowed, in laying them out, several were too steep and hilly for the safe and expeditious conveyance of carriages; and of the limited number of turnpike roads in Ireland, the greater part were merely the existing lines of the country, of fortuitous origin, and improved as the progressive circumstances of society required; the tolls in few cases being sufficiently productive to enable the trustees to change them in more level and convenient directions.

The introduction and extension of mail coaches in Ireland having become an object of great importance, in 1792, an act was passed (32d Geo. III. c. 39,) “for improving and keeping in repair the Post roads in this kingdom:” (as the preamble states,) “For the better conveyance of his Majesty’s mails, by coaches, and for the greater security of persons travelling therein.”—By which, Grand Juries were

authorised to present *new roads* to be laid out, of any width not exceeding 52 feet, nor less than 42 feet, in the clear, for the purpose of shortening the distance between the city of Dublin and any post town to which his Majesty's mails were then, or might hereafter, be conveyed; or for avoiding any hill or precipice, or otherwise rendering the communication between such places more safe and convenient; and in like manner, to present any part of any old road leading in the same way, for the same purpose, to be enlarged to the same breadth; the whole, or any part of the width, as they should think most proper, to be made with small stones, gravel, &c.; the expense of such improvement, to be levied off the county at large, or the barony, &c., provided a map of such intended improvement was lodged, and notices served, as in the 36th Geo. III. cap. 55, in the last Section. The map for widening, to specify the part and side on which it was to be widened, and the size and situation of every house thereon, and of all walls built of lime and stone, or brick, that might be necessary to be removed, for the purposes of such widening. No new road, or widening of any old road, to be made through or into any demesne, or deer-park, without the consent of the owner being first obtained, in writing, under his hand. Presentments for such improvements, might be traversed at the same assizes; and the owners, &c. might then, or at the next assizes, traverse for damages, —the damages found, to be levied off the barony. Grand Juries might in like manner present for lowering hills, or filling hollows on such roads, as detailed in the last Section, page 89; and also, to fill the drains or trenches on the sides of the roads, being dangerous to persons travelling by night in mail

coaches, or otherwise, as in page 96. Another excellent and necessary provision in accounting for the money and repairs of such roads, was inserted—that there was no open cut or channel for the conveyance of water across the surface of any part of such road, as great inconveniences arise from such being left open, and carriages were thereby greatly injured, and frequently delayed. The same provided against such nuisances as were likely to injure the roads, or endanger the carriages and travellers, and were afterwards inserted in the 36th Geo. III. c. 55, (see page 190.). In 1795, an act for the further improvement of the post roads in the kingdom was passed, “as many of them were too narrow, hilly, and inconvenient for coaches to travel on, with the mails; and as a speedy conveyance of the mails by coaches is productive of many benefits to a commercial country;” in which the following was enacted—that when a plan and estimate, with the proper specifications, for making a new road from Dublin to any post town, was laid before them at any assizes; and the consent of the Lord Lieutenant to mails being conveyed by coaches on such road, so soon as it should be completed; on the Grand Jury expressing their approbation, in writing, of such plan, &c. it should be deposited as a county record; and they might present the sums for making the necessary improvements and alterations off the county at large. But in order to ensure the roads being finished with as little delay as possible, and to obviate the tedious and imperfect mode of having them done by occasional presentments, no less than the entire work, or so much of it as they thought necessary, nor less than the entire sum, was to be presented at one and the same assizes; and if this was thought too much to be raised at once, they might

present what portion of the whole sum should be raised in each year, which portion the treasurer was to insert in his warrant, and to be levied as other money in the same warrant ; but the entire sums were to be raised within six years, and to be presented and paid as by the 32d Geo. III., cap. 30.

For ten years, no further amendment appears to have taken place in the acts relative to the post roads. Material improvements had, no doubt, been effected, by empowering Grand Juries to levy the expense off the county at large, and to restrict the whole to be raised within six years ; yet the arrangement was found inadequate—for to insure the roads being properly made without delay, it was necessary to devise some means of raising the money at once, and to procure persons properly qualified to make the surveys, maps, &c. :—These deficiencies were obviated by the 45th, c. 43, of the present reign, in 1805, which was a revision of the post road system, I believe, through the exertions of the Right Hon. John Foster, whose endeavours for the improvement of Ireland, are too well known to require any encomium from my pen. It is entitled, “An act to amend the laws for improving “and keeping in repair the Post-Roads in Ireland, and “for rendering the conveyance of letters by his majesty’s post-office, more secure and expeditious.” “As many parts of the roads in Ireland were too narrow, or otherwise inconvenient, for the speedy “conveyance of his majesty’s mails in coaches, and “other carriages ;”—the former laws being found insufficient for their effectual improvement and amendment ; by this act the system was rendered effective. By the 49th, c. 43, § 1-2, his majesty’s Post-Masters General, for Ireland, are required to

procure and employ, as soon as convenient, proper and sufficient persons to survey and make maps of the several lines of road from Dublin to the extreme post towns in Ireland, in such directions, and through such post towns as his Majesty's mails now travel to and from Dublin, or as the Post-Masters General shall deem most expedient that such mails should travel; and also, to survey and make maps of of the several other roads in Ireland on which his majesty's mails now are, or shall be deemed necessary, to be carried; and also, to survey and make maps of all such alterations in any such roads, by cutting off angles, or forming new lines in lieu of the whole or any part or parts of such roads as each such surveyor, so employed, shall judge desirable, for the purpose of rendering the way more level; or where it is sufficiently level, for the purpose of shortening the distance. And that every surveyor so employed, in all cases where the present road, or any part thereof, is not made in the most level or convenient direction, shall survey and make maps of a new line or lines for a road in lieu thereof; and that in no part of any such new line, shall the ascent or descent of the road, when finished, exceed the rate or proportion *of one foot in height, or fall, in each thirty-five feet* of the length thereof, if the same be practicable, without causing such a great increase of distance, as to delay considerably the carriage of the mails; and if the same be not practicable, then such surveyor shall find out and survey the most practicable line which shall be nearest in its ascent or descent, to such proportion of height and fall."

"And by § 4, where part of any such new line shall be proposed in any survey to be made, through a house or building, or a part of any house

or building, or through a garden or orchard, made and planted, &c. before the passing of the act, (17th May, 1805,) or through any plantation, inclosed and growing, at the time of the passing of the act, every surveyor shall in his map of any such survey, mark the same distinctly; and also mark the most convenient and level line which he can find for avoiding such house, garden, orchard, plantation, &c. In all cases, where the making a new piece of road, in the line which he shall think most eligible for the carriage of the mails, shall appear to him materially to prejudice any inclosed demesne or lawn, planted before the 17th May, 1805, or to bring the road inconveniently near the dwelling or mansion-house, in any such demesne or lawn, the surveyor shall mark in the survey and map, also, the most convenient and level line which he can find, for the purpose of avoiding such prejudice and inconvenience." By the 46th, c. 124, § 9, "no road can be presented through any house above the value of £100 sterling, or any deer-park, or field inclosed with a wall built of lime and stone, or brick, or through any planted lawn, or avenue, or orchard, planted before the 17th May, 1805, without the consent of the owner thereof."

By the 45th, c. 43, § 6, "the maps and surveys to be made of the present roads, and of proposed alterations thereon, are to be laid down on the same scale; and that of each barony and half barony, in the line of any such road; and separate and distinct maps for each barony, &c. on a scale sufficiently large to give the most minute information. And that where in any map or survey it shall be proposed, that the ascent in any part of the present existing road exceeding the proportion of one foot in height or fall in each

thirty-five feet of the length, is to be reduced a section thereof, and of the proposed reduction or height, if any such be recommended, is to be included in, or annexed to, the map and survey, stating the rate of height or fall to which the proposed reduction will bring the ascent on such portion of the road; and that wherever any part of the existing road, which the surveyor shall propose to retain, is not of the width of forty-two feet in the clear, between the ditches, drains, or fences, on each side, the same shall be particularly specified in the map or survey, and the general breadth to be marked, and on which side it can be widened, most conveniently." By § 7 & 8, "an estimate of the whole expense of making any such new road, or of the alterations and improvements of any portion of the present roads proposed to be retained, is to be annexed to the map and survey, calculated at not less than forty-two feet, nor more than fifty-two feet wide in the clear; and to such estimate there is to be annexed an affidavit of the surveyor, or of two credible and experienced persons, that the sums contained in it is a reasonable charge, and is the least for which the work can be effectually and substantially executed, to the best of his or their judgment:" and "that the surveyor shall also annex to the map and survey, an affidavit, that any alterations in the existing road, recommended by such surveyor, in the map and survey, have been proposed by him, as the most advisable in his judgment, agreeable to the intention of the act, between the points stated; due regard being had to the most level and practicable line, without occasioning such an increase of distance as might be productive of delay to the carriage of the mails." By § 3, "the surveyor appointed by the

Post-Masters General of Ireland for this purpose, and any other person or persons employed for the same purpose, may enter any lands to measure and survey for a new road, or alteration of any existing road, under this act, if furnished with a proper certificate of being employed for such purposes, without being interrupted, or considered trespassers." By § 5, "every surveyor is to be sworn before he begins his survey, to make the same without fear, favor, or partiality, to the best of his opinion and judgment, according to the true intent of the act." By § 10, "the several surveyors who have been respectively employed by the Post-Masters General, in making any such survey, are to attend at the assizes, and be examined upon oath before the Grand Jury, as to such matters or opinions concerning any such road respectively, and of the proposed alterations, estimates, &c. as the Grand Jury may think proper." By § 40, "the Post-Masters General are to pay such sums as may be necessary for satisfying the surveyor, and other persons employed, for making the surveys, and for their attendance on Grand Juries, trustees, &c. of turnpike roads, and all expenses incurred by them in the execution of the act, out of the duty on the postage of letters." By § 9, when the survey, maps, and estimates of any roads, are finished, the Post-Masters General are to cause the proper notices to be served, and copies of the maps, &c. to be lodged twenty-one days before the assizes, as already detailed in page 86.

By § 11, when a Grand Jury disapproves of the proposed plan, &c. and are of opinion that the road between the post towns can be carried in a more convenient direction, equally or more level, and not

exceeding in length and expense the line pointed out in the survey, &c., they are to state their opinion, in writing, with any reasons or observations they may think proper, to the court, who shall cause the clerk of the crown to send an attested copy to the Post-Masters General, who are forthwith to order a *re-survey*, and give such attested copy to the person whom they shall employ, to make the same before the next assizes. Such *re-survey*, with all the estimates, affidavits, as before required, are to be laid before the Grand Jury, who may present the road to be laid out in the direction pointed out in either of the surveys, or partly in one, and partly in the other, as they shall judge best; to be the Post road through the county, and all the necessary sums, as if the first survey had been presented.

By the 46th, c. 134, if Grand Juries, upon examination of any survey, &c. laid before them, as already stated, are of opinion, that a better line can be obtained, they may state such opinion to the court, and present that a *new* survey and map be made, and *to appoint* such surveyor as they shall think proper for the purpose; and such surveyor shall have all the powers, and be subject to the like rules and restrictions, and be examined upon oath, in like manner, in respect to the survey and estimates, &c. he may make, as if appointed by the Post-Masters General, under the 45th, c. 43; and such survey is to be deemed a *re-survey*, within the meaning of the act, and shall, with all the necessary maps, estimates, and affidavits, be delivered to the county treasurer, at least *thirty* days before the assizes next ensuing, after such survey was presented to be made; and the treasurer is to have the proper notices served upon the occupiers

of the lands through which such road and improvements are intended to be carried; and the Grand Jury, by proof, upon oath, that such notices, &c. have been given, agreeable to the act, may present the road according to such re-survey, if it will be equally or more level, and not exceeding in length the road laid down on the preceding survey, made by direction of the Post-Masters General; or they may present the line according to either survey, or partly in the one, and partly in the other, as they shall judge best, to be the Post road between the points specified in the preceding survey; and to present for laying out and making the same, as if such survey had been presented at first. § 3, states, "that nothing in this, or the former act, is to deprive any Grand Jury of the power of considering and deciding upon any presentment for any line of road so surveyed, or any part thereof, or rejecting the same according to their discretion." By § 4, "all the regulations of the 45th, c. 43, respecting roads to be presented by Grand Juries, are extended to the 46th, c. 134." By § 5, when a Grand Jury present any road to be so *re-surveyed*, the court is to cause the clerk of the crown to send an attested copy of such presentment to the Post-Masters General; and it shall not be necessary for the latter, after the receipt of such attested copy, to cause such road to be re-surveyed in the manner prescribed, by the 45th, c. 43. By the 46th, c. 134, § 14, "nothing was to prevent any Grand Jury from making presentments at any assizes held in *July* or *August*, 1806, on account of any want of notice being served, or of the consent of the owner of any house not having been obtained, under the provisions of this act, if in all other respects the several regulations prescribed by

the 45th, c. 43, and by this act, had been duly observed." Whether this clause was intended to apply to the summer assizes in 1806 only, or ever after, is not, in my opinion, sufficiently clear. From the changes in the occupation of lands, &c. which so frequently occur, an individual may be omitted to be served with the proper notice; and if this clause is intended to obviate such omission, from preventing a road being presented, it is of considerable service; and no great inconvenience can accrue to any one, as from the number of other notices to be served and posted, it is not probable but they may be sufficiently apprised of the intention to request such presentment.

By the 45th, c. 43, § 10, and by the 46th, c. 134, when Grand Juries present any line of road, either by the post-office survey, the re-survey, or that made by the surveyor whom they may appoint themselves, to be the Post road through the county, or between any of the post towns within it, and approve of the plan, estimates, &c. they are to present the expense for laying out the same, including the expense of marking and levelling, to be raised off the county at large; and those works, which, by the former acts, in page 104, could only be raised off the baronies, are to be raised off the county at large. By the 49th, c. 84, § 1-2, they may be raised off either the county or baronies, as the Grand Jury shall think fit. If for a Post road, the mode of presenting and accounting to be, in other respects, under the regulations of the 36th, c. 55, as in page 104. By the 45th, c. 43, § 14, where the sum exceeds £200, it may be advanced under the regulations of the 36th, c. 7. By the 45th, c. 43, § 15, if a general overseer of any Post road through a barony, is appointed by the Grand

Jury, the affidavit for accounting may be made by his deputy, if an affidavit of such general overseer be annexed, stating, "that he has examined the account of such deputy, and the work executed; and that it is effectually done, and that he believes the money stated in such account, to have been fairly and honestly expended upon such work."

By the 45th, c. 43, § 16-17, when Grand Juries consider that the whole of the sums necessary for making or improving any Post road which they may have presented, are too great to be raised at one assize, they are to apportion the sums to be raised in each year, and at what assizes, until the whole shall be raised and levied; and they may, at any subsequent assizes, increase the proportion of such sum to be raised, so that the whole may be levied within six years. By this act, no Grand Jury, after such survey or re-survey having been laid before them, could present in the whole, to be raised at any assizes for the other roads of the county, a greater sum than that which was directed or presented originally, or in the way of increase thereof, to be raised at such assizes for such Post road, until it should be completely finished. But by the 46th, c. 134, § 12, this part was repealed, and they may present any sum found necessary for the other roads, without regard to the Post roads.

Advance of money for Post Roads out of the Consolidated fund. By the 45th, c. 43, § 26-27, it is stated, "that as the *benefits* proposed by this act, for the secure and expeditious conveyance of the mails, must necessarily be delayed until the whole of the sums to be raised by presentment could be levied, unless provision was made for the advance of money in

the meantime; therefore, when the Grand Jury shall present any line of road, marked or recommended in any survey or map agreeable to the provisions of the Post road acts, and have presented the sums necessary for completing the same, and directed that they shall be raised only by yearly portions, the clerk of the crown is forthwith to transmit a copy of their presentment and direction to the Lord Lieutenant, or his chief secretary for the time being, who may order the commissioners for executing the office of Lord High Treasurer of Ireland to advance and pay out of the consolidated fund of Ireland, from time to time, as the Lord Lieutenant, &c. shall in his discretion order and direct, any sum or sums not exceeding in the whole, the amount of what shall remain of the presentments unlevied at the time of making the order to the county treasurer; to be applied for the purpose of accomplishing the works for which such presentments shall have been made; and he is to account for same, in like manner as other monies received by him for the use of the county; and to pay all sums arising from presentments for such roads to the collector of the revenue for the district, till the money advanced is repaid *without interest*.

Damages, &c. By the 45th, c. 43, § 19, owners of grounds, or houses, required for making, widening, or altering any Post-road, may traverse the presentment for damages at the same or subsequent assizes at which it shall have been made, if notice has been given, in writing, to the county treasurer, twenty-one days, at least, before such assizes, of such intention; and such damages as a jury might ascertain, were to be raised off the barony by a presentment, which was not traversable. By § 20, no

traverse was to be allowed to any presentment, except for damages; but by the 46th, c. 134, § 10, a traverse to any presentment may be allowed and tried.

By the 45th, c. 43, § 28, no money was to be ordered by the Lord Lieutenant to be advanced, unless by a certificate of the clerk of the crown, that the whole of the sums necessary to pay all the damages demanded had been presented to be raised and paid, or otherwise settled for. But as this was often productive of delay, and the surveys rejected, from the amount of the damages being too heavy to be raised off the baronies, by the 53d, c. 143, § 1-3, Grand Juries are empowered to present for the damages accruing to the occupiers of land, &c. to be raised off the counties at large, or off the baronies, or partly off both—the whole to be raised within six years, and to form a competent part of the general cost and expense of the road. And the clerk of the crown is to transmit copies of such presentments to the Lord Lieutenant, &c. who may order the money to be advanced, and repaid without interest, as under the former Post-road acts. By § 5, if such damages have been presented to be raised off any barony, and have not been levied, the county treasurer may suspend the warrant, and the Grand Jury may present the same to be raised under this act. By the 45th, c. 43, § 31, if by any failure or neglect, the money so advanced be not repaid to the collector of the revenue, the amount shall be raised by presentment off the county, &c.; and no presentment is to be filed for any Post-road, until such presentment shall be made and allowed. By § 29-30, all money advanced and paid to the county treasurer, for the purposes of these acts, shall be applied by him accord-

ing to the presentments ;—and when any overseer appointed by the Grand Jury, shall deliver to such treasurer, an account of the expenditure of any money or expenses actually paid or incurred in the execution of the work, specifying the persons to whom the same has been paid, or is due, and for what particular work, or service, together with the number of horses and men employed, and the wages per day ; or if contracted for, the nature of the contract, upon oath, on which the treasurer is to advance and pay to such overseer, from time to time, not oftener than once in each week, out of the money he has received from the consolidated fund, the amount of the expenses so sworn by the overseer, to have actually been paid. Such overseer having first given security to the treasurer, with two sureties, approved of by a governor of the county, or by any two justices of the peace, named by the Grand Jury for the purpose, that such overseer shall duly account at the assizes for all money advanced to him by the treasurer. On any general overseer appointed by the Grand Jury for the work, or road, having given such security, that any deputy appointed by him shall so account ; such deputy, on furnishing the proper account of his expenditure, upon oath, may receive advances from the treasurer. By the 53d, c. 146, § 6, when any general overseer, or overseers, appointed by the Grand Jury, for the execution of any of the works on such roads, shall have taken sufficient security from such contractor, for the due execution of the works, according to the plan, estimates, and specifications annexed to such contract, and lodged proper security for such contractor, with the county treasurer, it is not necessary for the general overseers, or their deputies, to give

any additional security to such treasurer; but the treasurer is not to pay any money to such contractor, except upon an order of two or more of the general overseers so appointed, to which shall be annexed an affidavit of such contractor, stating, that the part of the work for which payment is demanded, has been faithfully, honestly, and effectually executed, according to the terms of the contract; and also specifying the sum already received and expended; and likewise an affidavit of a deputy overseer, appointed by the general overseers, that he has carefully examined the work, and that it is properly executed.

Repairs, Supervisors, &c. By the 49th, c. 84, § 5, for the speedy repairing of sudden breaches, &c. Grand Juries may appoint persons of £500 a year, from an estate in the county, who may be willing to act without salary or allowance, to be supervisors of the roads, or any part thereof, not exceeding eight miles—for the purpose of repairing the same, and removing all nuisances from off the roads; and such supervisor may be removed from time to time, and another appointed in his room; and he is empowered to expend, yearly, not exceeding 1s. per perch, in repairing, cleansing, and otherwise improving the road over which he is appointed; and he may appoint a deputy or deputies, with a salary, by the year, not exceeding, in the whole, above 2d. per perch, of the road: and they are to have the power of conservators, as described in the Third Section. And the Grand Jury are to present for reimbursing the supervisor, and for payment of the deputies, either off the county or barony, if an affidavit of such overseer be laid before them at the assizes, stating the work to have been properly executed; with an affidavit by the deputy

employed in such work, stating, "that the money has been fairly and honestly expended, and is a reasonable charge, to the best of his knowledge and belief, with the particulars of the expenditure." This admirable provision has been extended to many roads which are not mail-coach roads, with great advantage, and deserves to be more generally adopted. By a subsequent act, Grand Juries are authorised to contract, &c. for keeping post or mail-coach roads in repair, at 2s. per perch, annually.—See farther remarks relative to the repair of such roads, in the Third Section, pages 92-4.

From this brief summary of the acts passed for the improvement of the post or mail-coach roads, in Ireland, it appears that the first means adopted, in 1792, was to authorise Grand Juries to present the expense of the improvements off the county at large, and for money paid in advance to keep them in repair :—the next, in 1795, was to limit the money to be raised in six years, for the completion of the whole improvements presented ;—that an arrangement was afterwards made, in 1805, for appointing proper persons to survey and lay out the improvements—and to authorise the Lord Lieutenant to advance the amount of the expense out of the consolidated fund, to be expended weekly, if necessary, for the speedy completion of the work ;—the whole to be levied, and repaid in six years without interest. If the Grand Jury disapproved of the first survey, a re-survey was to be ordered :—by the act of 1806, the intention of the preceding one seems to have been greatly altered—Grand Juries might appoint a surveyor to make a re-survey, and adopt the improvement recommended by such surveyor, provided it was not less level, longer, or more expensive :—by the latter act, it is not imperative to adopt either the

survey, or re-survey, for both may be rejected; but it contains provisions to forward the completion of such improvements as they may adopt:—the arrangements were still farther extended by the act of 1812, by which the amount of the damages may be considered as part of the expense to be advanced from the treasury, and levied off the county at large; and other clauses in the same act tend to facilitate the execution of the work by contract. The many excellent roads which have been designed, and the number already made, under the provisions of this act, are sufficient proof how beneficial the results have been—which could not have been the case without a similar arrangement.

I shall add a few remarks, why, in my opinion, it has not proved even still more advantageous; and suggest some amendments to obviate the defects that at present exist in the system, which I do, with the greatest deference to those well-informed persons who originally promoted the present arrangement; without arrogating to myself any superior discernment. What I shall state, is the result of many years experience, while employed under the authority of his Majesty's Post-Masters General, in many counties in Ireland, in laying out new lines and improvements on the Post-roads; during which time I have had opportunities of ascertaining the defects and abuses which have prevented many of the surveys presented, from being properly executed, in a manner correspondent to the trouble bestowed in designing them, &c.; and, in particular, my knowledge of the arguments which Grand Juries generally urge against adopting the surveys, which objections are continuing to render them more reluctant to present *new* lines of road or improvements, (laid before them by order of the Post-Masters

General,) although much wanted in many places, which objections, I presume, may, in a great measure, be obviated, so as to ensure new lines being more frequently adopted in future, and with equal advantage to the public.

The Post-Masters General very properly confided the nomination of the engineers, and the whole superintendence of the surveys, &c., to Major Alexander Taylor, who conducted the Great Military Road through the mountains of Wicklow in so able and judicious a manner, and under whose active direction the streets of the city of Dublin have been rendered so excellent; and it is owing to his attention to the Post-road surveys, that the arrangement for them has been rendered so effective;—his instructions to the persons employed, and the manner in which he directs the maps, sections, plans, &c. to be constructed, and the estimates formed, reflect great credit on his professional discernment, and integrity of character. To prevent and obviate any neglect or deficiency on the part of the persons selected by him to make the surveys, &c., when the persons so appointed, have designed what they consider the best lines of improvement, Major Taylor inspects such surveys and designs *on the ground* previous to their making out the affidavits for the presentments, and serving the notices upon the occupiers of the land through which the intended roads are to be carried; and also previous to the paying fully up the surveyors' allowances for their labour: and if on such inspection he is of opinion, that the best lines which the circumstances of the ground afforded have not been adopted, the surveyors must, at their own expense, survey such other lines as Major Taylor may prefer, and make the maps and estimates at their own expense also.

The Post-road maps are calculated to afford the most minute information to the gentlemen of the Grand Juries, in forming an opinion of the different lines of road submitted to them for their inspection and approval: *profiles* or sections of the old or present roads are added, as well as of the new or proposed lines, which show, at one view, the difference of elevation or levelness; such profiles being drawn on the margin of the maps; and the rate of rise and fall, of each slope or inclined plane, marked on them. The maps contain the names and boundaries of baronies, and of town lands; also the number of perches in length through each; the proprietors' names, distinguishing the different holdings which the road is intended to pass through, with the occupiers' names, and the quantity of ground intended to be taken from each.

And in order to form correct estimates of the expense of making or repairing of the roads, particular regard is had to the description and inequalities of the ground, whether hard or soft, and of what description of hardness or softness, with regard to the soil;—in the hard ground, whether stone, gravel, sand, or clay, and of what quality, whether lime-stone, free-stone, granite, &c. In the soft ground, whether bog, and of what depth, or partly bog, and partly clay, sand, &c.; and what distance it will be required to carry the materials, such as stone or gravel, to make or repair the road; as upon the carriage, the expense, in a great measure, depends—all of which are essential to form correct estimates.

Attention is also bestowed to prevent the roads being injured by water, particularly on the sides of hills or mountains, by estimating for proper sewers or pave-

ments, and with regard to the best sites for bridges—with the expenses of foundations—the quantity of masonry, by the perch, according to the distance and cost of materials, labour, &c. The forming, levelling, and draining each different portion or quality of surface, is estimated separately:—the ditches, foot-paths, &c. and the number of loads of materials to each perch, of $7\frac{1}{2}$ cwt. each load, varied according to the quality of the surface; the gravel to be screened, so as to carry out no sand or stones larger than $2\frac{1}{4}$ inches in diameter, or to have them broken to that size. Working from an estimate formed from such data, must be of great advantage to an overseer, as his attention may be directed entirely to the number, weight, and quality of the loads, and to placing them properly on the road: no other method could furnish him with the same knowledge, and at the same time free him so perfectly from all disputes with the contractors, or those who may be employed to carry the materials.

In order to obviate the general cause of new lines of road being incomplete, from an anxious wish to combine the new and old lines, from mistaken ideas of economy, Major Taylor's instructions contain the following—"that when the surveyor is perambulating and inspecting the ground for designing new lines, he will divest himself entirely of any attachment to proximity to the old road, and choose the best line for the road from post town to post town, according to the Post-road act, except when the difference of advantage to the road would be small, and the difference of the expense of making great."

As it rested with the Post-Masters General, to determine through what post towns the mails should be

conveyed, by coaches, &c. it was of great importance, that the appointment of engineers should originate with them, as there was less probability that any motives likely to defeat the object would influence the appointment—and the result has justified the propriety of this part of the arrangement; and it was also of importance, that impartial engineers should be employed to examine the country where any road is intended to be laid out, so that they might be able to accommodate the new lines to local circumstances, without partial or private interests to supersede public advantage. Temporary inconveniences are sometimes unavoidable, but they ought to give way to what is permanent: too many roads have been made to deviate from their proper course, from the narrow-sighted policy of individuals. I believe there is no department in which there has been less complaint of public advantages being injured by private influence, than in any of the numerous surveys which have been made under the superintendence of Major Taylor; and his inspections, of every line, would have prevented any such collusion or bias on the part of the surveyor. The complaints have more generally been of a contrary kind: persons of more liberal minds would scarcely give credit to the contumely which road engineers often receive for doing their duty. On a recent occasion, I experienced the disrespect of some individuals, who were weak enough to use their endeavours to defeat my private pursuits, for the very reasons for which more generous friends have interested themselves in my behalf, in a manner which merits, and has, my most sincere gratitude. For the opinion and disrespect of those who may choose to take offence at my refusing to compromise what

I consider to be the conscientious discharge of my public duty, I shall always, I trust, feel indifference and contempt. This foible, however, is not peculiar to this side of the Irish Channel. Mr. C. Abercrombie, whose practice as a road engineer, in different parts of Great Britain, was more extensive than that of any other person, and who was as remarkable for his integrity of character, as his professional abilities in this branch of civil engineering; in his letter to Sir John Sinclair, on the subject of roads, (which found a place among the documents investigated by the committees of the House of Commons, on the highways of England, &c.,) proposed, that a compulsory clause should be inserted in road bills, with respect to the direction and level of roads—from their being so often made jobs of; and the manly manner in which he speaks of the conduct of interested individuals, is highly meritorious.

But it is time I should advert to the causes which have prevented the roads surveyed and laid out under the Post-road acts, in Ireland, from being frequently executed and completed in a proper manner. From the sketch which has been given of the system or arrangement, it would appear, that nothing had been omitted to give full effect to the measure. The arrangement may be considered so far complete, that the business is brought before the Grand Juries in a way to afford them every satisfactory information, and to ensure the money being presented, when they choose to adopt the designs; but here any farther connection of the engineers with the business and completion of the works, ceases; they have no farther control; the execution of the work is left entirely to such persons as the Grand Juries may appoint as overseers, &c.

Many of the new roads presented under the Post-road acts, have been either improperly executed, or at a most unnecessary expense, owing to the ignorance or dishonesty of the overseers appointed. That persons who had acquitted themselves with credit, in executing works under the inconsiderable presentments commonly granted for county works, should be inadequate to conduct works on a much larger scale, and more regular system, is not surprising. Many lines of road have been marred in the execution, from a wish to benefit every individual occupier through whose land the roads are carried, by allowing them to make the portions through their holdings. That the tenants should be benefited and employed, by the making of any roads in their neighbourhood, is most reasonable, and ought always to be attended to where it can be made compatible with the public advantage; but it is impossible to obtain a road properly made, where the work is parcelled out among a number of tenants, particularly in those parts of the country where the farms are small; for in executing roads on a large scale, it is often requisite to remove quantities of earth from one place to another, in order to reduce the declivities, which cannot be properly done when left to the individual exertions of the occupiers of the holdings, who will, of course, execute their own portion without regard to the general advantage. It is impossible to divide the most correct estimate into such minute portions; and if it were more so, the incapacity of the overseers to do it, prevents the persons employed being fairly repaid for their labour; while some have a great deal more than what they ought, others have too little. Those who find they have a bad bargain, are reluctant to finish

their portions; by this means, amidst neglect, ignorance, fraud, and discontent, the works are delayed, and only finished in a most incomplete manner. These are circumstances which have not only prevented the individual lines being properly made, but have rendered Grand Juries very reluctant to grant presentments for other roads of the same kind, seeing that those already presented have not been executed in a manner equal to the expense—and an expense, which, from mismanagement or fraud, or both, is unlimited, from the additional sums required to make up the deficiencies arising from these causes. In order, therefore, to ensure the roads being promptly and properly made, and the money judiciously expended, the general oversight should be committed to the engineer who designed them, who must, of course, be more competent than any other, for such oversight; nor would this be attended with very considerable expense, in the first instance; for if they had any power in selecting competent working overseers, their occasional attendance would be sufficient, and at the assizes—a small per centage, or an equitable allowance, by the day, &c. might be fixed for the engineer's trouble.

Another reason why the Post-road surveys have been less frequently adopted than they would have been, is the great expense occasioned by the unnecessary width to which they must extend, under the limitation of the acts. We have seen, in the preceding pages, that the statutable width of roads was from time to time extended, as traffic increased; but with all due deference to the original framers of the Post-road acts, the limited width, (viz. forty-two feet in the clear,) is unnecessary in many parts; indeed, unless

on the roads very much frequented, and in the neighbourhood of towns, &c., that width is too great.

Some remarks on the loss accruing from roads being wider than necessary, were given in Section III, page 136. "It is obvious," says a late writer, "that roads ought to be wide and strong in proportion to their vicinity to great towns, mines, and manufactories. As they approach the capital, they should be wider and stronger than elsewhere. When a number of roads leading to a great city combine and fall into one, the road from that juncture should be proportionably solid and capacious." Although considerable loss is occasioned by the unnecessary width of roads in every case, yet it is more particularly so where the road has to be cut through rocks, along steep banks, &c. by which the expense is augmented in a very increased ratio to the width; the expense of bridges and gulleys are also greatly increased by unnecessary widths. I am of opinion, that considerable advantage would be derived from the limitation of the Post-road acts being reduced from forty-two feet to thirty-two feet in the clear, where the same shall be considered sufficient. I know many cases, where the survey laid before the Grand Jury, by order of the Post-Masters General, would have been presented and made, if they had been reduced to thirty two feet in the clear; one Grand Jury did present a Post-road at this width, considering that it was no material infringement on the act, when it was quite sufficient for the district in which the road was intended to be made, and when the expense of making it forty-two feet, was an insuperable obstacle to its not being made. But some persons who were interested in opposing the line being carried in the intended direction, traversed

the presentment for not being according to the statutes, and the project was, of course, given up, with little probability of being again attempted, until they shall be warranted in availing themselves of the advance of the money from the public treasury, to make a road thirty-two feet wide in the clear.

It is necessary to advert to a third reason why the Post-road surveys have not been always adopted, (particularly those which are carried near the confines of a county,) which is, that the Grand Juries are not only unwilling to incur the expense in the first instance, but of the great annual cost ever after in keeping a line of mail coach road in repair, which they conceive could not be productive of adequate benefit. Objections of this kind can only be obviated, by allowing the counties who are at the expense of such roads, to erect turnpikes on them, for levying tolls to keep them in repair: indeed, the leading lines of road in every part of the country, ought, perhaps, to be kept in repair by tolls. Turnpikes, as already remarked in page 26, are the most equitable system by which the principal roads of the country could be maintained, as no tax can operate with more justice and equality than that of turnpikes, since all who are benefited by them, strangers as well as others, must contribute toward their support; the neighbouring lands, which now unequally bear the expense of making and keeping them in repair, would be freed, in a great measure, from so heavy a burthen. That every county must be materially benefited by the roads leading through it, is very evident; but the justice of many counties maintaining roads for the conveyance of traffic, and of travellers, to the extreme parts of the kingdom, in which they may not be much

interested, is very questionable. If turnpikes could be erected on the roads, after being properly made at the expense of the county, to keep them in proper repair, I am confident, from the opinions I have heard from leading members of Grand Juries, many lines of road would be made with advantage to the particular counties, and the public in general; and the expense of obtaining road acts, should be lessened, which, from the many fees to official persons, is a most material obstacle to any arrangement of this kind being adopted. See Appendix. (23.)

If the remarks which have been offered, are correct, it follows, that in order to facilitate the extension of new roads, under the Post-road system, persons, properly qualified, are wanted to superintend the execution of the work, and the expenditure of the money—that the roads should be allowed to be made of a less width than is at present specified in the acts—and that after being made, turnpikes should, in some cases, at least, be erected, to defray the expense of maintaining them. Whatever may be urged against the two latter suggestions, the want of an effective superintendence is evident.

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**SECTION V.**  
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*Observations tending to prove the Utility of appoint-
 ing COUNTY ENGINEERS, &c. in Ireland.*

EVERY human institution has its inherent defects, which wisdom, although unable to remove, should labour to amend. To search for defects and abuses, with any other object in view than to ascertain the means by which they may be remedied, would be an ungracious task. An impartial review of the subject of the preceding pages, will lead to more important conclusions than may have been rendered sufficiently obvious from my hasty and imperfect illustrations. It is evident, however, that laws of great intrinsic merit, are found inadequate to effect the purposes for which they were enacted, and what is still worse, they are too often made the source of the very evils they were intended to remedy; for we have

“ Seen our statute books such laws comprise,

“ As legislative wisdom could devise,

“ And seen them work, and practically tri’d,

“ As if it were that wisdom to deride.”

The chief defects and abuses practised under the existing road laws, are solely to be attributed to *dishonesty* and *ignorance*: every clause in these laws are guarded by oaths, full and distinct, which are too

generally considered as mere matters of form, when, in fact, it is upon their being strictly complied with, that the merits of the present system can only be realized in practice; and even when they are conscientiously observed, the persons to whom the expenditure is entrusted, often fail from being made the dupes of others, or from their being unacquainted with the most economical and judicious methods of executing the works over which they are appointed overseers.

It is one of the chief infelicities of this kingdom, that the great body of the population are divided into the poor and the rich, and generally want those intermediate gradations which render the circumstances of the neighbouring portions of our empire, in many respects, so superior; hence, in Ireland, the execution of road works must often necessarily be left, in a great measure, to the integrity and ability of persons who, although naturally shrewd, have little opportunity of acquiring any but local information, and from the want of a suitable education, to acquire it by reading, are totally inadequate to the undertaking;—defects which are not always supplied by resident proprietors, or others capable of instructing them. But the want of a moral education is not a less material defect, as being so essential to ensure that integrity of character which is of such vast and extensive importance to the well-being of society, and the want of which cannot be supplied by any code of laws, however admirably framed; seeing that the bonds of society, in a state of civilization, can only be maintained by moral integrity.

It is true, that the evil propensities of mankind have been recognised to the fullest extent in those laws;

yet the preventatives against fraud have been commonly found insufficient. No laws can be framed so strict, but that by perjury or chicanery of the unprincipled, they may be evaded, and their object defeated or perverted. As the lower classes constitute the basis on which the pyramid of society rests, it is of the most indispensable utility to ensure the permanence and stability of the whole fabric, that every attention should be bestowed on their moral improvement. It is a fact, not less melancholy than true, that the obvious melioration which has of late years taken place in the condition and circumstances of the lower classes, has not been accompanied by any correspondent improvement in their moral habits; and the same causes which have rendered the wonted operation of former laws inadequate to protect the properties and lives of the more peaceable and industrious, have rendered the obligations of *oaths* inadequate, in many cases, to ensure the ends for which they are intended. But has it not occurred to the considerate reader, to inquire, why, in this age of improvement and melioration, laws framed with such excellent skill are found to be ineffectual? Why, in the course of a growing prosperity, which Ireland has certainly experienced, in a particular manner, during the last twenty years, (see Appendix, 20,) the disorders of society, like obstinate diseases in the human frame, require desperate remedies; imperiously obliging those who hold or direct the reins of government, to enact rigorous laws, in order to counteract the effects of a frightful state of demoralization, in the nineteenth century?—Thesé, and similar queries, involve considerations of vast importance to the statesman, the philosopher, the moralist, and every friend to society. A chief share

of the causes which tend to produce this demoralization, is the frequency of *perjury*. It is certainly a grievous reflection, that the admirable arrangements for parliamentary representation, which is so prominent and invaluable a feature in our constitution, and also the arrangements for promoting and maintaining the means of communication by roads, so essential to the comfort and improvement of any country, should, in too many respects, be productive of effects so different from what might be expected. It would be criminal to conceal, that the frequency of perjury in this country, and the consequent results, may be traced to the abuse of the laws relative to elections and roads. So delicate and distinct is moral perception, that when a man once swears to what he knows is a falsehood, it will require small inducement for him to swear to falsehoods afterwards, without remorse. That the effects here mentioned are universal, I do not wish to insinuate, or that they are confined to any particular party; I only adduce them, as being by far too common. It is impossible for any person who has an opportunity of witnessing the criminal and civil business at assizes, sessions, &c., not to discover the magnitude and prevalence of the evil of perjury, which is so far from becoming less frequent, that it seems to increase; so alarming is the extent, that judges now advert to it in their charges, in the most impressive manner. Oaths cannot be entirely dispensed with, for the want of them might be even worse than the abuse; but it is evident, that they are rendered too familiar by their number; if restricted to the more important concerns, and ministered with more solemnity, they would be of greater utility. Some readers may think that I have occupied too great a space in

these pages on this subject; but it is necessary to show that the present excellent system of Road-police in Ireland, is very frequently rendered ineffectual, from oaths being no longer calculated to answer their intention, or to ensure the execution of the laws with sufficient certainty—

“ From the measurer who lays down the chain,
“ To him who grasps the sacrilegious gain ;
“ Thro’ ev’ry stage, on oath, the process speeds,
“ And all the swearers have their sev’ral meeds.
“ Hence are confounded, abstract, right and wrong :
“ Scruples are jests, and morals are a song.”

It has been urged, that although the money is sometimes carelessly laid out, that it is only in some few instances that frauds have been committed, “ as there
“ is no public record in the country of any such
“ offences having been tried, and consequently no
“ conviction upon such a charge.” Such reasoning must proceed from a very imperfect knowledge of the country, or an intention to extenuate abuses which certainly do exist. It is because perjury is so seldom punished, that the evil abounds; were more examples made of offenders, it would become less frequent. But there are many cases of perjury, in accounting for the expenditure for county works, which can only be discovered by persons whose business it shall be to narrowly investigate such works—the Grand Jury are strangers to many of the frauds practised. Opposition has been sometimes given to prosecutions for perjury, and the culprits screened from the grasp of justice. In one county, an overseer had been in the practice of accounting for roads, and receiving the money for the same, when actually not one perch

was made or repaired; a person of some integrity thought proper to traverse one of these affidavits, and he proved that not a shilling was expended on the work specified in the affidavit; he, of course, prosecuted the overseer, who was convicted and pillored, although considerable interest was used to get his sentence mitigated—and the prosecutor received so much obloquy for his meritorious services, that he declined proceeding against others equally culpable. These, it is true, are solitary instances, which might occur under any arrangement, if not controlled by a public inspector. I have, in several instances, had occasion to measure and investigate works, on which, half the sum allowed for them was not expended at the time they were accounted for; and surely the overseers of these were guilty of perjury, and deserved punishment; but an individual incurs trouble and expense by prosecutions of this kind. If an engineer was appointed over each county, whose business it would be to investigate the expenditure, and prosecute offenders, such occurrences would not so often take place with impunity. This is the only arrangement by which the fraudulent expenditure of the public money can be checked.

I have devoted this Section to consider the abuses, which, although not generally adverted to, are not the least considerable; being, in fact, of more extensive injury than others which are more easily discovered; yet I am apprehensive I may be considered as viewing the dark shades of the picture in the preceding pages; I have been at some pains to point out the intrinsic merits of the present system. In endeavouring to exhibit a correct view of the present subject, it is not easy to avoid seeming contradictions; it was already

mentioned; that in many parts of Ireland the execution of the county works must necessarily be left to persons of little intelligence and education; for the accounting overseers are not always literate persons, as the statutes require, capable of writing their names to the affidavits which they must swear—I have known that to be done by a second person. In many parts of the country, intelligent persons are employed as overseers, but such are not every where to be found. I wish to call the reader's attention to one class of persons, who are the means of much fraudulent expenditure in some parts of the country. The want of a more numerous and respectable middle class, was noticed as one of the misfortunes of this island: the persons here alluded to, may be said to form part of the middle class, or those who stand between the proprietors and the more indigent tenantry; yet they do not answer the purposes of that class, as in other countries, their number being inconsiderable, and from the absence of a numerous class of resident proprietors, so essential to the quiet and improvement of the country, raise the former much above their proper level, and give them opportunities of oppression and extortion, which could not be otherwise the case. Those persons, in various situations, constitute a large proportion of the half gentry—to their practices, much of the distress and consequent discontent of the lower classes, are attributable; on whose industry they live, and accumulate wealth on the peculation and fraudulent expenditure of the public money. Such persons have sometimes sufficient influence to induce members of Grand Juries to procure presentments for the repair of roads over which they have the control; sometimes they may have influence to obtain,

being summoned as members themselves; in the absence of more respectable ones; but as this does not always occur, they often obtain their interested objects through Grand Juries, or individual members, whom they contrive to deceive, as remarked in page 132; the mistakes of Grand Juries may be frequently traced to the artifices of such persons, more than to any misconduct in the members themselves.

The influence which these persons have with the proprietors of estates, is sometimes considerable, from their being able to furnish loans, which are often accumulated by them, from the gains and extortions made on the tenantry of these very proprietors, whose estates are thereby in a speedy process to ruin, or, at least, cannot be improved, while the occupiers are kept in indigence. Money is advanced on usurious terms;—cattle, flax, food, &c. are sold by them at exorbitant rates to the indigent tenantry, which could only be repaid by enabling the purchasers to make exorbitant gains. Obtaining presentments for roads, much to the public loss, is the most ready and effectual means of being repaid: it rarely happens in the neighbourhood of such persons, that the tenantry pocket such undue gains arising from the fraudulent expenditure on county works—for these *task-masters* wait on the treasurer after the assizes, and receive the money; hence it is, the works are even still more imperfectly done than if the persons who actually execute them were to derive the immediate gain; for it is not to be supposed, all circumstances considered, but that they will be done in the most ready and insufficient manner they can. There are, at least, a few instances of even some hereditary proprietors of the soil procuring exorbitant rents, or political influence, by means of “road pre-

sentments;" that those persons should oppose the laudable endeavours of government to remedy such abuses, is not surprising. But that others who are above such shameful conduct, and do not enjoy such gains, and whose tenantry are really injured by those abuses, in the way just mentioned, should also oppose them, is matter of sincere regret; that they should be such strangers to their own immediate interest, and to the real circumstances of the country, and inhabitants, from which they derive the means of affluence. These are not ideal pictures, or the hasty effusions of philanthropic or less worthj obelings, but the conviction of many years.

Where there are resident proprietors, or active agents, the abuses alluded to are unknown, or less considerable; but the same practice of extorting exorbitant prices, from indigent tenants, by means of road work, is too general; and several proprietors find considerable difficulty in checking a practice so pregnant with evil, but which the improvident character of their tenants tend too much to continue. This extensive source of fraudulent expenditure can only be effectually checked by the appointment of resident engineers, who will be capable of scrutinizing all county works.—When gains can be obtained by perjury, it is necessary to provide some more effectual check against fraudulent expenditure.

The very numerous and extensive frauds practised, cannot be detected by Grand Juries. Presentments are requested, of the real necessity of which they cannot be always acquainted; and with regard to the prices asked, they can seldom be judges; for it cannot be supposed, as already remarked, that gentlemen of fortune can know all the mechanical *minutia*

of workmen, and much less can they ascertain the actual expenditure; they must unavoidably trust to the information of others, verbally, or on their oaths, who in the former case are generally interested in giving incorrect information; and it is too evident, oaths are far from being a certain proof in every instance. These are facts fully proved, from the unavailing efforts of Grand Juries, to correct such abuses as they discover: thus at one time they refuse to grant many different presentments to particular individuals; and such persons, in order to obtain their usual number, request an increased number at the subsequent assizes. At another time, when the Grand Juries consider the prices and rates asked, too high, they are in like manner raised in proportion, so that they may be still considerable, after undergoing the reduction—which is often rendered a matter of course, and applied to every presentment. The amount of the queries laid before Grand Juries, in most counties, is, therefore, often double the amount actually granted:—I have known 50 or £60,000 asked, and not one-third granted. If frauds were not common, and practised to a great extent, would this be the case? or could the persons requesting the presentments afford to lose such considerable sums as they must do, on the stamps of rejected presentments? The confusion arising to Grand Juries, from the alternate interference of criminal and civil business, precludes the presentments being considered with sufficient deliberation, even were the Grand Juries more intimately acquainted with their merits than they can possibly be. It certainly will not be denied, that if no presentments were granted, the necessity of which was not certified by a competent person who had inspected them; and that none could

be accounted for, the execution of which had not, in like manner, been inspected and certified—the case would be very different; perhaps, it would not be hazarding too much to say, that at least one-third of the present expenditure might be saved. The assistance which a professional person could render Grand Juries, at assizes, would be of essential service; when to this, and the important object of inspecting the works on the ground are considered, the utility of county engineers cannot be denied. From the remarks made in detailing the defects and abuses of the present system, in Section III, commencing at page 132, it will appear in how many respects such a county inspector might be of the most essential utility; not only would it ensure the roads being properly laid out, made, and repaired, and the money fairly expended, but various economical and improved methods of executing county works might be introduced. It is the object of science to aid and abridge manual exertions, but it cannot be expected that persons who follow the beaten track of preceding generations, can devise or adopt changes, however preferable they may be, unless directed and instructed by others of more extensive acquirements and experience. The preservation of the public roads, buildings, &c., and the prevention of nuisances, will not be sufficiently attended to, until the care of them is committed to some general superintendent.—The conservators were intended for such charges, (which so far proves the necessity of such an appointment,) and were not in general more competent to direct and conduct the works than the persons to whom the execution was intrusted: they have too many engagements of their own, to bestow the neces-

sary time, which they can so easily evade, as it is not made imperative upon them ; and they have too many local connections and interests, to be expected, in most cases, to act with the necessary impartiality.

Were a general inspector appointed in each county, with an adequate salary for his trouble, by putting the laws, and the established regulations, in force, with constant attendance at first, and the assistance of magistrates, &c. he might introduce attention to the removal of nuisances, and induce the people to comply with beneficial regulations.

“ It is at present shameful to see the neglect and “ violation of salutary laws—mile-stones wantonly de- “ faced—heaps of stones left in the middle of the “ roads—gates permitted to open from fields across the “ road—coaches overloaded—coachmen drunk or in- “ solent—and numberless petty offences against the “ public, and individuals, committed, from the proba- “ bility of impunity.” Offences against the excise laws, &c., in most cases, are visited with speedy and summary justice. May not those against public prop- erty and convenience be as easily prevented ?

It has lately been said, “ no human institution is per- “ fect ; no conduct is free from suspicion, or from the “ attacks of ignorance or malice ; but when the excel- “ lent state of most of the roads in Ireland is con- “ sidered, and their cost estimated, it will be found “ that this system is far superior to any that has “ hitherto been attempted in the empire.” That the conduct of Grand Juries is often misrepresented, I have repeatedly acknowledged ; and to the merits and superiority of the present system in Ireland, I have borne ample testimony. But in page 127, I have en- deavoured to show that the cost of roads, in Ireland, is

not actually so cheap as is generally imagined, and have mentioned the circumstances, beside the excellent system, which tend to render them so superior. That they cost much above what they ought, is evident, from the enormous increase of the funds levied for them, which far exceeds any rise in the price of labour, or the progress of improvement which has taken place. In 1777, Arthur Young stated the whole expense of roads throughout the kingdom, to be only about £140,000, annually; and in page 116, his account of their extent and excellence, at that time, is mentioned—the sums granted in several individual counties, of late years, have been equal to one-fourth of that amount. The whole Grand Jury expenditure is stated, I believe, at *one million* annually, or one-third of the entire revenue of the kingdom—£600,000 of that sum, at least, may be estimated as being expended on public works—the expense of criminal prosecutions, maintenance of prisoners, &c. making up the remaining £400,000. If the public accounts of the counties are investigated for the expense of their works alone, in the course of the last twenty years, it will appear very evident, that it has increased much beyond what any increase of traffic, &c. could have required. See Appendix, (24). The most remarkable increase is subsequent to 1807, when the effects of the war had enabled the country to meet such an augmented expenditure. The sudden depression of agriculture, in 1816, induced the Grand Juries to be less liberal, and, of course, the sums presented for county works were less. The partial revival of trade, in the present year, has again encouraged Grand Juries to enlarge the grants for county works. But it cannot be expected that the coun-

ties can bear the same heavy tax in future, that they could during the continuance of the war, when the price of agricultural produce was so high. On the extension and maintenance of the public roads, much of the prosperity of Ireland depends; for, as already remarked in page 123, that prosperity will be in proportion to the *cheapness* with which her produce can be brought to a British or a foreign market. Therefore, as the same liberal grants cannot be afforded, it is necessary to ensure the money being expended to the greatest advantage, and by relieving the tenants as much as possible from such tax, to enable them the better to pay their rent, and to expend their capital on permanent improvements, as well as to enable them to contribute to other taxes, on the payment of which, the national credit at present depends.

It is the duty of every government to watch over public arrangements, and endeavour to remedy abuses. In most countries on the continent of Europe, in China, &c. the executive power always charges itself with the care and control of the Road-police, because a considerable share of the revenue of the state arises from a land tax, which increases with the increase of improvements, and which the extension and maintenance of the public roads is so essential to promote. Fortunately, in these kingdoms, the state revenues are collected in a way less grievous to the subject; but it is not less the duty of government to see that the money levied for public benefit is properly applied, more particularly when it is raised and expended under the control of public bodies, in the election of whom, the contributors to the tax have no vote. Although such a mode is not quite in unison with the

theoretic principle of the British constitution, yet I am far from thinking that any loss accrues to the public or individuals; on the contrary, when well directed, it is of vast advantage, and the abuses which unavoidably creep into local and provincial administrations, are not so great as those in the expenditure of a great empire, and which are more difficult to be remedied. It has been said, that it is of little consequence how much county tax is levied and misapplied, as the money circulates in the county; but is this shallow reasoning— for whatever is taken from the industrious, and given to the improvident, is of most extensive injury; being, in fact, a means of retarding industry, on which all national prosperity permanently depends.

Other important consequences, beside the mere improvement of the means of communication, are therefore involved in the appointment of some effective controlling and superintending power, likely to ensure a more judicious and economical expenditure of the county tax.

Many oppose the intended appointments, from an apprehension that proper persons may not be selected; certainly if this was to be the case, the utility and intentions of the measure, would not be obtained. The manner in which they are ordered to be selected in the act, is intended to prevent any injudicious appointment. It is upon this being scrupulously adhered to, that the measure can be rendered effective. We are not to suppose, that the public spirited persons, who have so laudably devised and brought it forward, would act so inconsistently, as to allow any sinister motives to influence the appointments. If they are properly made, the beneficial effects will soon be evident, and acknowledged by every person,

unless those interested in the abuses intended to be remedied. Many plausible and ingenious arguments have been advanced against the proposed appointments, and the late act of the imperial legislature, for this purpose, which I have noticed in the Appendix, (25-26.) An impartial review of the reasoning and facts adduced in the preceding pages, will, I presume, show the necessity of such an arrangement, *if judiciously carried into effect*, by the appointment of persons properly qualified to act as COUNTY ENGINEERS; it being of the utmost importance to the future improvement and prosperity of IRELAND, which forms so invaluable a portion of the

BRITISH EMPIRE.

APPENDIX,

CONTAINING

Notes and Illustrations, &c.

NOTE 1.—Page 1.

ANTONINI ITINERARIUM, or *Antoninus' Itinerary of Britain*. That part of this curious and valuable remain of antiquity, which respects Britain, south of *Severus' wall*, is divided into 15 itinera or routes, containing in all about 146 stages, from 5 to 36 miles in length, each.

NOTE 2.—Page 2.

“By the law of the twelve tables at Rome,” says Blackstone, “where a man had the right of way over another's land, if the road was out of repair, he who had the right of way might go over any part of the land he pleased; which was the established rule in public as well as private ways, and the law of England, in both cases, seems to correspond with the Roman.” But Mr. Christian, in his notes on Blackstone's Commentaries, remarks, that “Lord Mansfield took notice of the inaccuracy of this passage, in the case of *Taylor v. Whithead*,”

Deng. 716, in which it was determined, that if a man has a right of way over another's land, unless the owner of the land is bound by prescription, or his own grant, to repair the way, he cannot justify going over the adjoining land, when the way is impassable by the overflowing of a river; but if public highways are foundeours, passengers are justified from principles of necessity, in turning out upon the land next the road."

NOTE 3.—Page 5.

The Roman ways in Britain were sometimes styled streets.—“We have four notable ones in England,” says Dugdale, “anciently called *chimini quatuor*, and entitled to the privileges of *pax regis*.”

NOTE 4.—Page 7.

There is no reason to suppose that such customs, &c. were practiced among the *Anglo Saxons*. CANUTE, the Dane, when he ascended the English throne, imposed the service of *heriot*, in addition to the *trinoda necessitas*; but in 1031, he negotiated a treaty with the emperor, Conrad II. and Randolph III. the last king of Arles, in person, at Rome, that all his subjects in England and Denmark, should be free from all toll and customs in passing through their territories.—*Henry's History of Britain*.

NOTE 5.—Page 8.

The *Statutes of Marlbridge* “forbiddeth distress to be taken in any of the high ways or common streets.”—*Dugdale*.

NOTE 6.—Page 9.

Bridges were sometimes erected, and roads opened, from ostentatious or more worthy motives, by some opulent individuals; many bishops, abbots, and other rich ecclesiastics, out of the immense revenues they had engrossed, or by extraordinary exactions of labour from their vassal tenantry—in some instances, lands were even endowed for the maintenance of such bridges. In the middle ages, building bridges found a distinguished place in the catalogue of religious acts, probably as tend-

ing to the preservation of lives, of whom numbers were frequently lost, in crossing rivers, by dangerous ferries and fords. In fact, towards the close of the 12th century, a regular order of hospitallers was founded by St. Benezet, at *Avignon*, in France, under the denomination of *pontificers*, or bridge-builders, to whom all matters relative to bridges, ferries, &c. were committed.

NOTE 7.—Page 13.

Under the feudal system, the kingdom was divided into many small principalities, the proprietors being, in fact, sovereigns within their own territories, only obeying their own sovereign, when it suited their convenience or pleasure. They were anxious to be delivered from exactions themselves, but ready, on most occasions, to practice them on their own dependants and others; for although the charter of king John conferred additional security to the *free*, it gave no liberty to the *slave*. Hence we find that the great barons and bishops, those mighty champions of liberty, continued to exact the customs of *passage*, *tallage*, *pontage*, &c. as already mentioned. The truth is, that many of the castles of the great barons, were often little better than dens of thieves and robbers, who extorted money from all who fell into their hands. When the inhabitants of cities and towns had occasion to transport their wares through the country, they were obliged to court the clemency of those imperious chieftains, or to purchase their protection against freebooters, by submitting to pay such impositions.

NOTE 8.—Page 14.

The *Corvees*, or police of the roads in France, were, annually, the ruin of many hundreds of farmers, being as frequently employed on works to perpetuate the name, and to gratify the caprice or vanity of some favourite minister, as for the real and necessary advantage of the country; and like the *tailles*, &c. were imposed on the *tiers etat* only, the nobility and clergy being equally exempt from them. Hence the *corvees* were considered one of the feudal oppressions, which gave rise to the revolution. We are told that more than 300 farmers were reduced to beggary, in filling up one *vale* in *Lorraine*. It is true that the magnificent roads in *Languedoc*, were not done by *corvees*; but their was an injustice in levying the money, not far short of them; for it was raised

by *tailles*, and in making the assessment, lands held by a noble tenure, were so much eased, and others held by a base one, were burthened; while one held by the former, paid only 300 livres, one of the same extent, held by a plebian, paid 1400 livres!—*Young's France*, &c.

For the change which has taken place, see *Lady Morgan's France*.

NOTE 9.—Page 21.

“ With respect to the breadth of wheels, it may, in general, be asserted, that the broader the wheel, the better for the road; and, within certain bounds, the narrower the wheel, the better for the carrier.—The proper and fair object of public regulation should be, to permit the carrier to use what wheels and what carriages, and to employ what number of horses he pleases, provided he does not injure the road more than the toll or contribution which he pays can repair.”—*Edgeworth on Wheel Carriages*.

NOTE 10.—Page 22.

There is no system of Scottish laws extant, before that of David I. who began his reign in 1124. The earlier, indeed, most of the Scottish kings did not bestow much attention on domestic improvement. Between frequent wars with England, and contests for the crown, they had not leisure to attend to the internal police of the kingdom; and the minorities were longer and more frequent, than ever happened in any other kingdom. Of six successive princes, from Robert, to James VI. not one died a natural death; and of ten princes, from Robert Bruce, to James VI. seven of these were called to the throne, while they were minors and almost infants. Had not James I. “fallen on evil days,” and suffered by assassins, he would have been the Alfred of Scotland.—“His love of peace, of justice, and elegance, would have rendered his schemes successful; and instead of perishing, because he attempted too much, a grateful people would have applauded and seconded his efforts, to reform and to improve them.”

NOTE 11.—Page 26.

The Highland and Lowland districts of Scotland are so dissimilar, in respect to surface, and other circumstances, that the line of demarcation may be said to be drawn by nature, and has been properly ob-

served, in framing the excise laws, &c. While the latter districts are occupied by the descendants of Saxon tribes, the former are occupied by those of Celtic origin, still very dissimilar in their manners and habits. It is not probable that the Romans ever had any permanent settlement in the Highlands; and in the beginning of the eighteenth century, they were still without roads, by which troops and warlike stores could be easily conveyed, the country being mostly occupied in pasture. The English government, in order to subdue the clans who had adhered to the fortunes of the *Stewarts*, wisely employed their troops, under the directions of General Wade, in constructing *military roads*, through the Highland passes and glens; which, besides answering the immediate object, have promoted the subsequent civilization of the inhabitants. The landed estates which were then forfeited, instead of being disposed of to the favourites of government, as was the case in Ireland, under similar circumstances, part was wisely and fortunately reserved, as a fund for the improvement of harbours, roads, &c. For a number of years, part of this fund, aided by parliamentary grants, has been expended in constructing bridges, and in extending roads through the Highlands, &c. under the direction of experienced engineers. The Commissioners of Highland Roads and Bridges, employ an Inspector, and such superintendants and overseers as are found requisite. The Counties through which such roads are carried, contribute three-fourths of the expense of keeping them in repair; the remaining one-fourth is included in the expense of the empire. The Commissioners of supply, for each County, assess the tax, and appoint surveyors and clerks, and a report on the state of these roads and bridges, is annually laid before Parliament.

NOTE 12.—Page 33.

The following is a resolution of the same Committee:—

“*Resolved*,—That it is the opinion of this Committee, that for the purpose of obtaining such important objects, it appears to be expedient to appoint a Parliamentary commission, invested with authority to inquire into the present state of the roads; the mode in which they are now managed; the means by which they may be improved; the errors which may be corrected; and the improvements which may be made in the construction of wheel carriages, &c. and in general, into every

circumstances tending to facilitate and advance the interior communication of the country: And that a report of such particulars should be laid, by such commissioners, annually, before his Majesty, and both houses of Parliament."

NOTE 13.—Page 33.

Statute of Winton, 13 Edward I.—"Highways from one market-town to another, shall be enlarged, so that there be neither dike, tree, nor bush, whereby a man may lurk to do hurt, within two hundred feet of either side."—This statute was not to extend to *ashes* and other great trees; and if the lord did not abate the dikes, underwood, and bushes, he was answerable for any robberies and murder, which were committed, and fined at the king's pleasure; and if the lord was not able to fell the underwood, the country was to aid him.

NOTE 14.—Page 37.

The English, at this day, are not a less respectable nation, because Cæsar found the aboriginal natives little better than barbarians, whose only covering was the skins of beasts—and as ignorant of their origin as Cherokees or Mohawks.—We must, therefore, smile at the childish anxiety, evinced by late writers, who assert not only the superior civilization, but even the greatness and splendour of the ancient Irish—perhaps, in fact, little more than the golden age of bards, whose trade, in every country, was *fiction*. But, be this as it may, the well informed Sir William Petty, with greater probability, "saith, that there is, at this day, no monument or real argument, that when the Irish were first invaded, they had any tolerable knowledge of the arts civil or military." Indeed, the laws and customs which had been long prevalent were, of all others, the most inimical to improvement of any kind. *Taaffe* acknowledges the inferiority of the Irish, to the invaders, in those arts; even the submission to Henry Plantagenet, which has been styled a conquest of the kingdom, is alone sufficient to prove the infancy both of civil and military arts in Ireland; arts which were then, at a very low ebb, even in Britain.

NOTE 15.—Page 39.

It would appear, from the following historical anecdote, and many others of a similar kind, that the exactions were not confined to the

laity alone; "for in 1355, William de Rosse, abbot of Dunbrody, county of Wexford, was indicted, with two others, for stopping and robbing, of half a mark, and two horses, value 40s. Thomas Heolyn, a monk of Tintern.—The same De Rosse was charged with other offences, of the same kind."

NOTE 16.—Page 40.

The passes named by Baron Finglass, were as follows, viz.—

"Downe, Callibré, the Newe-ditch, the passes to Powerscourt, Glaukry, Ballamore in Foderth, Goinge to Kearnes Le Roge, Strenanlo-
"ragh, Polemounty, Branwallehengry, Morterston, two passes in Fre-
"more, O'Morye's country; the passes of Ferneynobegane, Killemark,
"Kelly-Ballenower, Taghernefine, two passee in Kalry, the passes of
"Brahon, Juryne, Killkorky, the Lagha and Ballatra, Carryconnell
"and Killaghmore; three passes in Oriore, one by Donegall, another
"by Faghert, and the third by Omere, Ballaghkine, and Ballaghner"—
Harri's Hibernica.

NOTE 17.—Pages 55, 79.

By the 3d of George II. c. 18—"Persons liable to repair the Roads, were yearly to apply *two days of the Statute Work*, on the Turnpike Road, and only be chargeable for four days, on the other Roads,"
By the 23d Geo. II. many excellent regulations relative to Turnpike Roads, were enacted.

By the 19th and 20th George III. c. 4—Grand Juries, at Assizes, may receive proposals for building bridges, without expence to the County, to be defrayed by tolls. Plans and estimates of the expence, and a schedule of the tolls intended to be levied, to be laid before them, at the same time. Such proposals, &c. having been posted on the County Court-House door, &c. ten days before the Assizes, the Grand Jury may make any reduction on the tolls, and after making the agreement, the Judge of Assize may confirm it.—Persons aggrieved by such erection, may traverse the presentment, and a Jury ascertain the damages; but the bridge must amount to £500, and no tolls to be

taken until it is finished, and that sum expended. After 41 years, the Grand Jury may pay to the owners of the tolls, the original money expended in building such bridge, to be presented off the county at large, and the tolls to cease.

The tolls, on many turnpike roads in Ireland, were not sufficient to enable the Trustees to expend money, in altering the lines, or making new ones, in more convenient directions—therefore, by the 45th of the present Reign, c. 43, when turnpike roads are surveyed, under the authority of the post road acts, as in Section III. and maps, &c. laid before the Trustees, when they shall obtain the consent of the occupiers of the lands, &c. through which the intended alterations are to be carried, by the valuation of Juries or otherwise, the Grand Juries may present the amount of the damages, to be raised off the counties—on the same being paid, the Trustees may proceed in making the improvements; and after such survey has been laid before the Trustees, they shall not expend more than £32 per mile, per annum, on any part which is not proposed, to be retained in such survey.

By the 45th George III. c. 43, s. 33-37, the Trustees of turnpikes are empowered to borrow money, necessary for the purposes of this act, on credit of their tolls.—Trustees of turnpikes may increase tolls for re-payment of money, under this act.—If the Lord Lieutenant shall be satisfied of the sufficiency of the income of any turnpike road to pay interest and 2l. per centum per annum, as a sinking fund, the Treasury of Ireland may raise money on debentures, and pay same to the Trustees of such road.—The tolls shall be liable to the payment, at the Exchequer, of the interest on such debentures, and 2l. per centum per annum, till the principal is redeemed.—On failure of payment of the interest, &c. the Lord Chancellor may appoint a receiver, or sequester the tolls.

NOTE 18.—Page 58.

The 10th Charles II. in 1659, declares, that grants for building, or maintaining, or repairing bridges and highways, to be lawful, as for charitable uses.—By the 19th and 20th George III. Grand Juries at Assizes may present, that trustees shall repair the turnpike roads.—By the 26th George III. c. 13, the Grand Jury of the county of Waterford, may present for the repair of the *military road*, in aid of the tolls.

NOTE 19.—Page 118.

The following extracts are taken from the Report of the Committee of the House of Commons, on the highways of England, &c. May, 1809.

“ That every turnpike bill for making a new, or continuing an old turnpike road, do contain a provision for making a *foot-path*, parallel to the road, of from four to six feet wide, independant of the space allotted to the turnpike.”

“ That magistrates assembled, in quarter sessions, be empowered in the meantime to take the necessary measures for gradually providing convenient foot-paths, where required, for the accommodation of the foot passenger, either by the side of any existing turnpike road, or of any highway, where they shall judge the same to be necessary.”

“ That persons maliciously breaking down, defacing, &c. any bridge, or parapet, or coping of any fence, alongside of the road, finger or guide-post, mile-post or inscription, or any other public property, having relation to the highways of the kingdom, riding on the foot-paths, breaking stones on the highway, leaving large single stones, or scattering small stones over the surface of the road to endanger the lives of travellers, after regular notice to desist from such practice”—be fined, &c.

NOTE 20.—Pages 119, 123.

Extracts from a *Sketch of the Progress of Domestic Improvement in IRELAND*, by the Author of these Strictures.

“ Between the peace of Aix la Chapelle and the American war, a period of about twenty-five years, the total exports of Ireland had increased to about three millions and a half, leaving a balance of trade in her favor much above a million, or, according to Mr. Gordon, then surveyor-general of Munster, to five millions, leaving a balance of three millions in her favor. During that period, the linen exports had *trebled*; the exports to Great Britain had more than *doubled*—the rental of the kingdom *doubled*. That her linen and general exports increased proportionally to this, during the last seven years of the said period, and consequently that her wealth was then on a like increase; the whole evincing as rapid a progress as could be expected; and says Arthur Young, perhaps greater than any other country in Europe.”

"It appears, that in the eleventh year of the Union, the oversea trade of Ireland had progressively increased from £9,551,771 to £13,322,014. Ireland thus prosperous, enjoyed the exported value of £3,770,243 more, in the eleventh year of the Union, than in the year before it commenced."

"The exports of Ireland, in the year preceding the Berlin decree, amounted, in real annual value, to £9,314,854—in 1807, to £10,110,385—in 1808, to £12,577,517. The amount of the imports into Ireland, (exclusive of a re-export,) was in real value £8,537,515—the difference of the two last sums being a balance of trade in favor of Ireland, of £4,040,002."

"In the course of four years, to 1806, the exports of Ireland increased only by one million (Irish,) and during 1808-9 by three millions, so that the rate of increase appears to have been, after the blockade, six times more rapid, an acceleration which could not be attributed to the Union alone, but supposes the concurring influence of a temporary monopoly. It is a fact, that the rise of value on the total amount of exports from Ireland, during the two years, 1807-8, was no less than *nineteen per cent.* and that the whole sum of exports from Great Britain, during that interval, experienced a depression of price of about *three per cent.*"

"In illustration of the very rapid progress which Ireland had made, it may be mentioned, that the annals of history furnish no example of the exports of any other country augmenting one-third in the short space of two years—that the balance of trade in favor of Ireland was nearly twice as great as that which M. Necker exultingly held out to the French nation, as an evident proof of their unexampled prosperity."

NOTE 21.—Page 140.

Many persons are not, perhaps, aware of the proportion in which the ascent of a road increases the draft; the following will shew:—

"Where a hill has an ascent of no more than one foot in thirty, the thirtieth part of the whole weight of the carriage, of the load, and of the horses, must be lifted up, whilst they advance thirty feet. In doing this, one thirtieth part of the whole load continually resists the horses' draught; and in drawing a waggon of six tons' weight, a resistance equal to the usual force of two horses must be exerted."

NOTE 22—Pages 146, 161.

The following is the specification of the pavements, commonly estimated for, on post roads.

"In every situation where a sewer can be made of the proper size, it is to be preferred to a pavement, but where circumstances oblige a pavement to be resorted to, it must be laid at right angles with the road, from four to six feet of the bottom of it flat, and twelve feet on each side, to rise at the rate of one inch in the foot, which will make the depth one foot, and from the size, no carriage will feel any jerk or shake in passing it. The pavement should be made of hammered stones, of nearly equal depth each stone, from nine to twelve inches long on the surface, and four to eight inches broad, and nine inches to a foot deep, the under side to be flat in the under face and not of an irregular or angular underface, as in that case it would not be solid."

The following is from the report of a Committee of the House of Commons, ordered to be printed, May, 1809.

LIMITATION OF THE HEIGHT OF FENCES.

"That it is expedient in all new enclosures now, or hereafter to be made, that the hedges, walls or fences to be erected for the purpose of making such new enclosures, adjoining to any existing or any intended highway be limited (including the growth thereon) to the height of five feet above the centre of the road, and that no such hedge, wall or fence be permitted to be raised, stand, or grow more than five feet above the centre of such road, unless such hedge, wall, or fence be removed to a distance from the side of the road, equal to its elevation, above the centre of the road."

"That the magistrates, in their respective districts, and the trustees of all turnpikes, be empowered to direct the surveyors acting under their authority, to reduce wherever and whenever they shall think fit, all hedges, walls or fences adjoining to the turnpike roads, or other highways, respectively, according to the proportions assigned for hedges, walls, or fences to be erected on new foundations, for the purpose of

making new enclosures, (such hedge, wall, or fence not being the wall of any house, building, hop-ground, or court-yard, belonging to any house or other building, nor the paling or other fence of any park or paddock, made for the enclosing of deer.)"

"That all pollards, bushes, or other growth, standing or growing on banks, hedges, walls or other fences adjoining to the highways, be annually cut down before the 15th November, in each year, so that no part thereof do exceed the height of five feet above the centre of such highway in all cases where the solid parts of such banks, hedges, walls or fences shall be less than five feet in height above the centre of the said highways; and in cases where the solid parts of such banks, hedges, walls or fences do exceed the height of five feet, that the growth thereon be annually cut down, pruned or plashed close to the roots thereof, or on a level with the top of the said banks, hedges, walls, or fences, so that such plashing do not exceed the level of the top of such banks, hedges, walls or fences.

RESOLUTIONS RESPECTING TREES.

"That no trees shall be planted or be permitted to stand or grow within thirty feet of the side of any highway intended to be fenced out for the purposes of making any new enclosure, except such trees as shall be actually standing or growing for the ornament or shelter of the house, building or court-yard of the owner thereof."

To which may be added—"Though in some cases it appears reasonable, to permit the erection of new buildings, and the making new plantations and high hedges, nearer than thirty feet from the centre of a road, upon condition, that security should be given to the public, for the constant preservation of the road, that is thus injured; it is, however, far safer to prohibit what is injurious to public convenience, than to compromise with individuals. Cases of private hardship may, and must occur, but it is part of the true glory of Britain, that there exists no exemption in our laws, in favour of the rich."

The Committee of the House of Commons, on the highways, recommended that the following nuisances should be made punishable, by moderate fines, before a magistrate, with a power of mitigation, viz. "The suffering a *single* stone of any considerable size, to remain on the road, which may have been used for supporting the wheels of carriages. &c."—Many accidents happen to persons travelling on horseback from loose stones being so left, or thrown out of the adjoining fields—a very

common practice in Ireland. It is said that a class of devotees in China consider it an act of devotion to remove loose stones, as one means of preventing accidents; it is much to be regretted that some of our pious follies do not take so beneficial a direction.—“That no gate to any field shall open into the highways, unless it shall be at a greater distance from the side thereof, than the full length of the gate.”—“That on stallions be allowed to cover near the highways, or be shewn on Sundays.”—“That no fair, market, race or public meeting, shall be held on any turnpike or other highway, so as to obstruct the free passage on the same; but in all cases, when the street, road, or way, will admit thereof, a breadth of thirty feet at the least, shall be left unincumbered, for the passage of travellers, and when such encumbered breadth cannot be removed, such fare, &c. shall, when practicable, be removed, under an order of the magistrate, having the jurisdiction therein, to such place, where it can be conveniently held, without producing such annoyances or obstruction.”

NOTE 23.—Page 192.

The expense of a *road act* is from £200 to £600, according to the number of clauses therein contained, and the opposition that may take place; but if the average is taken at £400, it will not be far from the truth. The value of that sum, for 19 or 21 years, may be about £40 *per annum*, and to that extent may be considered as burthened, towards the support and maintenance of the officers of Parliament. But why a *road act*, like a *canal act*, may not be passed for an indefinite period, is not easy learned. From the above circumstances, it is evident that the present mode of paying the servants of the Legislature, is eminently hostile to the roads—swallowing up a considerable part of the funds destined for repairing them, and of course, obstructing, to a certain extent, the benefit which the public might otherwise enjoy from the passing of these acts. The fees of various public offices, have been changed into a salary, with great advantage—it is to be hoped, that ere long they will be so, in respect of road acts also.

NOTE 24.—Page 205.

In the accounts of one county, I find that, in 1797, the sum presented was 3,016*l*. At one assizes in that year, only 290*l*. was levied off ten baronies, of which 200*l*. was paid to eight Conservators.—In 1799,

8,470*l.* was presented, exclusive of 2,691*l.* for cattle houghed, &c.—in 1800, 10,310*l.* was presented—in 1803, 16,759*l.*—in 1809, at one assizes, 20,044*l.*—in 1816, in the whole year, 18,014*l.* was presented, exclusive of 2,211*l.* under the peace preservation laws—and in 1817, 24,754*l.*—On several years since 1809, from 50 98,000*l.* was requested, in this county—and the undischarged queries, in 1796, only amounted to 7,749*l.*—in 1805, to 17,310*l.*—in 1808, to 32,364*l.*

From the accounts of another county, in a different province, it appears, in 1799, that 13,913*l.* was granted, of which 12,713*l.* was for county works—in 1803, 17,498*l.* of which 15,043*l.* was for county works—in 1807, 19,742*l.* of which 17,482*l.* was for ditto—in 1809, 21,942*l.* of which 19,248*l.* was for ditto—in 1810, 24,505*l.* of which 20,671*l.* was for ditto—in 1811, 28,367*l.* of which 24,725*l.* was for ditto—in this year, 34,000*l.* was requested at one assizes, and only 13,965*l.* granted.)—In 1812, 33,782*l.* was granted, of which 29,037*l.* was for county works—in 1813, 81,000*l.* was requested, and only 36,905*l.* was granted, of which 31,417*l.* was for ditto—in 1814, 59,666*l.* was requested, and 36,335*l.* was granted, of which 31,519*l.* was for ditto—in 1815, 39,007*l.* was granted, of which 34,139*l.* was for ditto—in 1816, owing to the depressed state of agriculture, &c. only 24,207*l.* was granted, of which 18,052*l.* was county works, and 6,146*l.* for maintenance of prisoners, &c.—In 1817, 50,420*l.* was required, and 37,621*l.* granted, of which 27,448*l.* was for works, and 10,273*l.* for the maintenance of prisoners, &c. from the prevalence of crimes, occasioned by the pressure of want, &c. which, it is hoped, will not again recur in so alarming a degree. The sums discharged at the October sessions in 1806, was 148*l.* in 1807, 81*l.* in 1809, 2639*l.* in 1810, 3592*l.* in 1811, 7480*l.* in 1814, 10,397*l.* in 1815, 9103*l.* in 1816, 6658*l.*

NOTE 25.—Page 208.

As some persons do not seem to be fully aware of the utility of appointing County Engineers, or of committing the care and oversight of county works to persons properly qualified, the following remarks, it is hoped, will afford some further information on the subject.

The care and oversight of the roads, and other public works, was, amongst the Romans, considered an honorable and important office,

and a variety of magistrates and officers were connected with such care and oversight. The chief inspectors of those works, were the *censors*; but as the *censors* had, besides, the care of the taxes, &c. the *curule ædiles*, who were also civil magistrates, were to assist the *censors* in the care of the public works. There were also inferior *ædiles*, who had the care of repairing and cleansing the common sewers, &c.—That the *curule ædiles* had the care of the highways, is also evident, from Caligula's ordering them vestments of a particular sort. When they executed the office negligently they were to be publicly daubed over with dirt—(*Dugdale*)—but the principal officers deputed by the *censors*, to supervise the public ways, were the *quatuor viri viarum curandarum*, or the *curatores viarum*. This office has, by some, been supposed to answer exactly to that of surveyor of the highways, appointed under the 2d and 3d of Philip and Mary, of England; but it is very evident the Roman office was of higher dignity and authority than that of the surveyors, under this act, not only from comparing the method of making and amending the Roman ways, with those of country parishes; but also, because one *Thermes*, who was the curator of the Flamenian way, was candidate for the *consulship* with Julius Cæsar. Augustus Cæsar himself did not disdain the task of such oversight. The ancient Patricians also frequently contended for the office of *curator via*, and for the honor of inscribing their names over works and repairs, which often exhausted their fortunes. The roads through the Pontine marshes, and others, were the ruin of many ostentatious Romans.

“In CHINA, and in several other governments in Asia,” says Adam Smith, in his *Wealth of Nations*, “the executive power charges itself both with the reparation of the high roads, and with the maintenance of the navigable canals. In the instructions which are given to the governor of each province, these objects, it is said, are constantly recommended to him, and the judgment which the court forms of his conduct is very much regulated, by the attention which he appears to have paid to this part of his instructions. This branch of public police is, therefore, said to be much attended to in all those countries;” because the revenue of the sovereign arises, almost altogether, from a land tax, or land rent, which rises and falls, with the rise and fall of the annual produce of the land, which is so materially affected by a facility of communication, by means of roads, &c.

The Emperor Joseph II. exerted himself very effectually to remedy the evil of bad roads. On his suggestion, the Diet of Ratisbon passed

a law that *chaussees*, similar to our turnpike roads, should be made throughout the whole German empire. This order was sent to all the courts of the German princes; and in the short space of twenty years, the most astonishing improvements were made. Their *chaussees* were executed in the most beautiful, and even, in many places, superior manner, under the management of able engineers.

In FRANCE, before the Revolution, the funds destined for the reparation of the high roads, were under the immediate discretion of the executive power. These funds consisted partly in a portion of labour, which the country people were obliged to give, and partly such a portion of the general revenue of the state, as the king choosed to spare from his other expenses. The reparation of the high roads in each particular province or generality, were entirely under the management of the *intendant*, an officer who was appointed and removed by the king's council, who received his orders from it, and was in constant correspondence with it. It was, perhaps, in the progress of despotism, that the authority of the executive power assumed to itself the management of the roads, or from the circumstances of the country rendering it imperative on them to do so. It is true, that the *corvees*, as they were called, were often made one of the principal instruments of tyranny, by which the *intendants* chastised any parish or commune, which had the misfortune to fall under their displeasure; and that "the proud minister of an ostentatious court, might frequently take pleasure in executing works of splendour and magnificence, such as a great highway, which was frequently seen by the principal nobility, whose applauses not only followed his vanity, but even contributed to support his interest at court;" while to execute a great number of little works, was considered beneath him, and that the common roads of the country were, therefore, much neglected, are facts not to be denied; but this was the abuse of an excellent arrangement, to procure good roads, by committing them to persons whose sole business it was to take care of them; and it had that effect. It was mentioned in page 17, that in 1748, the roads in Britain were inferior to those on the Continent.—The great roads in France, did certainly excel those in Britain. "If the French," said Arthur Young, when he visited France before the Revolution, "had not husbandry, to shews us, they had roads—nothing could be more beautiful, or kept in more garden-like order." Besides the provincial *intendants*, there was a director of bridges and roads for the whole kingdom. About 1745, John R. Perronet filled this situation, and France is indebted to his personal abilities, for many

of her finest bridges and best roads. He built the beautiful bridge of Neuilly, (consisting of five flat arches, from the Florintine model,) over the Seine, on the alignment of the great avenue of the Champs Elysees, in front of the palace of the Tuilleries. He completed the bridge over the Seine, at Mantes—the bridge a *Pont Sainto Maizence*, over the river Oise, on the great road from Paris to Flanders, &c. and has left an excellent Treatise on their construction.

While Bonaparte wielded the sceptre of France, he made many spacious and extensive roads through several parts of the Continent.—What his motives might be, whether vanity or wisdom, I do not pretend to devine ; but it would be ungenerous not to give him full credit for what merit he did possess. He adopted an arrangement to insure the roads being properly made, which does him great credit, viz. the School of Roads and Bridges in the *Rue de Grenelle*, Faux-bourg, St. Germaine, which was an institution for educating *civil engineers*. It received thirty-six pupils, to each of whom the government gave a salary, annually.—It had also a fine collection of models. In the *Conservatoire des Arts et Metiers*, were twenty-three modes of *pile engines* alone, in the collection of mechanical inventions. I believe those institutions have been retained by the present government, as well as the other arrangements for the maintenance of the highways, which are conducted under the direction of persons properly qualified. From these remarks, then, it appears, that the appointment of proper persons, by the governments of those countries, to superintend the public roads, answered the intention of ensuring their being made in the best manner.—I shall next enquire into the history of road superintendence in our kingdoms.

On the arrival of the Saxons in Britain, the Roman works and institutions were destroyed together. The destruction of the admirable arrangements which the latter had instituted for the preservation of the highways, would soon render the means of internal communication imperfect. In the attempt of Alfred to restore police arrangements, for the good of his subjects, the care of the roads and bridges, part of the *trinoda necessitas*, as in page 5, seems to have been left to be enforced by the *shire-reeves*, or sheriffs, or king's officer, appointed over each county, aided by the constables of hundreds. The act of Edward I. in 1285, in page 10, obliged every hundred and franchise to appoint two constables, who were to present to the justices assigned, such defaults as they found in the highways, &c. In 1531,

the business of superintending bridges, was annexed to the office of high-constable, with an allowance of salary. Before the act of Philip and Mary, in 1556, it does not appear to have been the duty of any particular officer, to call the parish together, to repair the highways, although the parish might be indicted for not repairing them. By this act, the constables and church wardens were to appoint overseers or surveyors of the roads, annually, and in 1773, two neighbouring justices are authorised to appoint them out of such inhabitants or others, and may have salaries allotted them for their trouble. But the want of ~~some~~ more intelligent oversight has been long evident, and remarks have been made in Section I. on the manner in which the deficiency is proposed to be remedied. Certainly there is no other concern so essential to the comfort and prosperity of the country left to be managed in so imperfect a manner. The overseers at present in Britain, have generally, no sooner acquired some knowledge of road-making, than they are changed, and others succeed them, who must blunder on in the same manner, to the serious loss of the public, as the money must, in such case, be injudiciously applied, and the roads imperfect, in many instances.

The various alterations which have taken place, relative to the selection and appointment of road overseers in Ireland, has been already detailed in the preceding Sections.—(See pages 60, 62, 76, 77.) At first, two honest parishioners were to be chosen, annually, as overseers; skillful persons were afterwards chosen to superintend the works, under the overseers, and to be paid wages for the time they were employed, which was changed to a rate per perch, and the director of the works accounted for the money. Under the present system, as in page 99, 1s. in the pound is allowed to overseers, for their trouble, and they alone are responsible for the expenditure; the other persons mentioned as general or head overseers, being a mere matter of form.—(See page 154.)

From the common overseers being found incapable of always executing the work judiciously or honestly, as well as to provide for the preservation of the roads, and removal of nuisances, superintendants called conservators, might be appointed in each barony, as in page 99. How far these officers have answered the intention, I have inquired in pages 156, 203. For the preservation of the mail coach roads, persons who choose to officiate without salary, might be appointed, under the title of supervisors, with power to appoint deputies, &c. as in page 180.

When it is considered, that in Great Britain and Ireland, perhaps more money is levied from the public, for making and repairing roads, than in any other country of double the extent, and that there is in general a facility of carrying goods and produce from one district to another, greater than is known in other countries, some persons may wonder why a more effective superintendence has not been adopted—or that it may not, in fact, be necessary.

Military engineering was long a science, before *civil engineering* was much cultivated; and the great misfortune has been, that the neglect and disrespect which has been thrown on the more useful arts and professions, have generally left them to be practiced only by the ignorant and the mean, and, therefore, their progress has been comparatively slow, and hence has insensibly originated the opinion, that any one was competent to understand and practice them. Agriculture, and the relative arts, on which the existence of every civilized nation is so immediately dependant, was long left to the ignorant, and was chiefly practiced by *villains*, and it was supposed any one was competent to understand it. More enlightened views shew how very abstruse and intricate it is as a science, and that a life-time will barely suffice to make a proficient. In the same way, although attention to roads is of such vast importance, to promote the comfort and advantage of society, yet, unless when they contributed to conquest, to military glory, to gratify the vanity of a minister, or to aid the revenues of a state, until lately, the execution and management of them was, in a great measure, solely left to the ignorant; nor does the necessity of entrusting them, more generally, to the care and oversight of scientific persons, seem, even yet, to be fully appreciated. But lest I should be charged with an overweening desire to magnify the difficulty and importance of the profession of a Road Engineer, I shall subjoin the opinion of one of the most eminent civil engineers in Britain, who had no occasion to give an exaggerated opinion.—viz. William Jessop, Esq. in a letter to the president of the Board of Agriculture, says, “that public roads, and the carriages used on them, are highly deserving of public attention; and that he does not know any thing in this country, (where mechanism in general has been patronised, and brought nearer to perfection than in most others,) that has been more neglected, than the proper construction of wheel carriages, and the *formation of roads*.” To this I shall add the testimony of an intelligent foreigner.—*M. L. Haldimand*, secretary to the bailewick of Yvendon, in Switzerland, in

his *Essay on the Construction of Highways*, says, "a knowledge of the true principles is indispensibly necessary in every art, and that of making great roads as much as any other. Some preliminary species of knowledge is very necessary in every superintendent or surveyor. A beaten track of knowledge is but a bad guide, in cases which very frequently occur, when, amongst several ways, the best is to be preferred."

As many arguments have been already urged, in the preceding pages, in support of the opinion, that the appointment of engineers, or a proper superintending power, is wanted, for the further improvement and preservation of the public roads, it is unnecessary again to enlarge on the subject, in this place. "While it remains a fact, that the roads of these islands are far from being so good as they ought to be, considering the immense sums annually expended upon them," such appointments must be obvious. Although the repairs of the common or cross roads, must necessarily depend, in a great degree, upon the intelligence and activity of country gentlemen, yet they should be ultimately under the direction and controul of general superintendents, more particularly in Ireland, where resident gentlemen are so much wanted; and as the proprietors of estates cannot be always expected to bestow the necessary attention, or to have the opportunity of becoming sufficiently conversant with the execution of county works, it is of the most essential importance, that persons properly qualified, should be appointed to supply the deficiency. We have seen that in other countries, where the government have an immediate interest in perfecting the means of communication, that the care of the roads are committed to persons so qualified. It is not immediately the object of our government; but it is ultimately so, as on the prosperity of the country, a productive revenue depends, and it is certainly the duty and intention of all government, to provide for the public good. If such arrangements, after having been long pointed out and recommended, as of importance, have not yet been adopted, we may hope that the increasing loss and inconvenience accruing from mismanagement, will insure their being carried into effect. It is about 40 years since Adam Smith remarked, on this subject, as applicable to turnpike roads, "that the recency of the institutions, both accounts and apologizes for their defects, of which, by the wisdom of Parliament, the greater part may be, in due time, gradually remedied,"

NOTE 26.—Page 208.

Observations on the 57th GEORGE III. c. 107, (11th July, 1817,) for the appointment of *County Engineers, &c.* in Ireland.

Whether fortunate or otherwise, a variety of causes have long operated, either to render changes in the police arrangements of Ireland, more frequently necessary, or more easily effected, than in the sister kingdoms. Hence, while the Road Police of Great Britain has been but partially changed, and allowed to remain imperfect, and no longer adapted to the present state of things, the same branch of *police*, in this kingdom, has undergone many and important changes; and the late Act is intended to remedy the defects which remain, and to render its merits as effective, as they are intrinsically calculated to be. Excellent as the leading features of the system of Irish Road Police unquestionably is, that it has been much perverted, and that abuses, to an alarming extent, have been prevalent, are facts too notorious to be any longer matter of doubt, whatever difference of opinion may exist as to the practicability and mode of remedying them. Indeed the abuses under this system, and the misapplication of the immense sums levied for the purposes of county works, have been long severely felt, and been cause of very general complaint. There is no person conversant with these affairs, in the different counties, who is not personally acquainted with numerous and considerable frauds of this kind; but it requires the practical knowledge of a professional person to be able to estimate the full extent and magnitude of the evils in general.

The intelligent persons who have, for some years, directed the administration of Irish affairs, have evinced a laudable desire to promote what they conceive to be the interests of the country. Hence a remedy for the abuses and imperfections of the Irish Grand Jury Laws, has, for three years, occupied the attention of a committee of the Imperial Parliament, and after various schemes, of more or less merit, having been brought forward, it was not until last Sessions, that an Act was passed, "*to provide for the more deliberate investigation of Presentments, to be made by Grand Juries, for roads and public works in Ireland, and for accounting for money raised by such Presentments, &c.*" (11th July, 1817.)

The principle of this Act, necessary, as it certainly is, seems to meet with unmerited *disapprobation*, not merely from those who are interested in the continuance of the present abuses, but by many who are actuated by more worthy motives.

One great object of the late Act, is the appointment of civil engineers in each county, to regulate and inspect the public works therein undertaken, or the plans and presentments made. The chief scope and intention of my observations, in the preceding pages, has been to shew that the want of such persons, has hitherto been a principal defect in the system, and to which is owing many of the abuses which have existed. I shall now inquire a little, in how far this Act is calculated to supply such defect, and furnish a remedy.—A spirit of innovation, merely resulting, from a frivolous and vain desire of novelty, as well as that temerity and pertinacity, which would allow all things to remain in *statu quo*, however necessary a change may be, are alike inimical to genuine improvement, although the mediocrity between these extremes is not always easily discernable, or justly appreciated. Hence the difficulty of enacting new laws, with advantage, or judiciously amending those which exist.

The object of my observations has been to point out the necessity and utility of appointing County Engineers, without entering into the merits of the details of the late Act, for this purpose; because I presume it was passed more with a view to establish the principle, than from any consideration of its being perfect, and I have reason to believe that the government will wisely defer making the appointments, until it is remodeled in a subsequent Session of Parliament, when the subject will, perhaps, be better understood, and information obtained to assist in rendering the measure effective.

The road business being transacted at the Assizes in preference to the Quarter Sessions, is not perhaps the least superiority which the system in Ireland possesses. But it must also at the same time be acknowledged that the limited time and pressure and confusion of business, prevents the presentments for public works, which are laid before Grand Juries, being considered with sufficient leisure, particularly as they come to the task without any previous or personal knowledge of the necessity and merits of the greater number.—The fact that at one Assizes in the County of Tipperary, the number of presentments was such, that the Grand Jury could have allowed only two minutes to the consideration of each, if they had sat thirteen hours every day and attended to no other business—is sufficient to prove the indispensable necessity of a preliminary investigation.—It was proposed in one bill, that those persons who were to form the Grand Jury, should be summoned some days before each Assizes, in order to examine the presentments.

but this was not likely to be easily effected, for many Grand Jurors attend in different counties and besides the fatigue of the business is generally considered by a great many scarcely indurable even for a few days. I am surprised that any objection is made to the presentments being examined at a Quarter Sessions—as the opinion of the Magistrates there, is not binding on the Grand Jury; it is said that five Magistrates cannot be always procured, this perhaps requires amendment, but at the same time it fully proves the want of persons to take the care and oversight of public Works, where so few proprietors, &c. are resident.—It has also been said, that as the opinion of the Magistrates is not imperative on the Grand Jury, of what utility can they be, they can certainly be of the greatest importance, many of the Magistrates will also be Members of the Grand Jury, and they will thereby be in possession of much useful information relative to the merits of the presentments, which they could not by their only coming before them for the first time in the Grand Jury-Room; but the greatest advantage will arise from having it in their power to examine and swear the Overseers, &c. in Court; every one knows how frequently the affidavits are sworn, in a way which encourages fraud.—If they are sworn or liable to be so at the Sessions, and examined by the County Engineer, &c. as to the Works, prices, &c. the most important advantages will result.

Some object to the appointment of County Engineers, from an apprehension that it may be rendered a mere source of Government patronage, and some have even gone so far as to assert that it will be such. If Government had any such object in view, they would not have required the candidates to be examined by a Board of Civil Engineers, nor would the appointment of such persons add so materially to the government influence, as to induce them to carry a measure into effect, which has been so strenuously opposed. It is worthy of remark, that many of those very persons, who have inveighed against the measure under such pretensions, to answer their own private views, have been sedulous in endeavouring to have persons appointed, who they are fully aware are by no means competent, the appointment is therefore best entrusted to the Government.

In the present depression of business, and cessation from warfare, the expectation of so many appointments taking place, has induced numbers to assume the title of Engineers, who never dreamed of it before, as if a few months acquirements could fit them for such a si-